



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Slovakia

ILO
TECHNICAL
NOTE

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CHAPTER III. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

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The information and data contained in the Case Study is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

CHAPTER I. Country profile: adequacy of social security benefits, income and poverty indicators. Determination of the Standard Reference Wage used for calculating the replacement level of benefits

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Country profile by national indicators and minimum standards of social security

Table 1. <u>Eurostat indicators</u>	2006	2010	2013	2014
At-risk-of-poverty threshold (40%, single person)	€1,325	€2,447	€2,695	€2,724
At-risk-of-poverty threshold (50%, single person)	€1,657	€3,058	€3,369	€3,405
At-risk-of-poverty threshold (60%, single person)	€1,988	€3,670	€4,042	€4,086
At-risk-of-poverty rate –(40%, of median equivalised income)	3.8%	5.0%	4.9%	5.1%
At-risk-of-poverty rate –(50%, of median equivalised income)	6.6%	7.8%	7.8%	8.4%
At-risk-of-poverty rate after social transfers –(60%, of median equivalised income)	11.7%	12.0%	12.8%	12.6%
At-risk-of-poverty rate before social transfers, pensions excluded –(60%, of median equivalised income)	20.0%	19.8%	20.1%	19.6%
At-risk-of-poverty rate for pensioners after social transfers –(60%, of median equivalised income)	8.1%	6.7%	6.6%	6.7%
Aggregate replacement ratio	0.57	0.61	0.61	0.62
Severe material deprivation (% of total population)	18.2%	11.4%	10.2%	9.9%
Persistent at-risk-of-poverty rate –(60%, of median equivalised income)		6.0%	7.1%	
Gini coefficient	28.0	25.9	24.2	26.1

Table 2. <u>National indicators of guaranteed minimum resources, MISSOC (2015)</u>	
Subsistence minimum (first adult)	€198.09
Subsistence minimum (every further adult)	€138.19
Subsistence minimum (dependent child)	€90.42
Beneficiary	Base amount for household in material need
Single person household	€61.60
Single parent with 1-4 children	€117.20
Couples without children	€107.10
Couples with 1-4 children	€160.40
Single parents with 5+ children	€171.20
Couples with 5+ children	€216.10

Table 3. MISSOC (2015)

Social Security branch	Compensation rate/Level of benefit	Qualifying period
Sickness benefit	During the first 3 calendar days of incapacity for work: 25% of the assessment base (daily earnings calculated on the basis of the previous year, monthly ceiling 1.5-times of the national average monthly wage). From 4th to 10th calendar day of incapacity for work: 55% of the assessment base.	No qualifying period required
Unemployment benefit	Unemployment Benefit: 50% of the reference earnings (assessment base).	At least 2 years of unemployment insurance contributions during the last 3 years (4 years in case of temporary employment)
Old-age benefit	136% of the subsistence minimum, when reaching at least 30 qualified years of insurance; for each additional year of insurance the sum increases by 2 percentage points, and by 3 percentage points after 40 years of paid contributions	15 years of insurance
Family benefit	Child Benefit: €23.52 per child. Parental allowance: monthly amount of €203.20, increases by 25% per child (€50.80 monthly) for entitled persons having the ordinary (regular) care of two or more children from the same birth. Other allowances (flat rate benefits).	Income tested
Maternity benefit	65% of the assessment base (daily earnings calculated on the basis of the previous year, monthly ceiling 1.5-times of national average monthly wage)	270 calendar days of affiliation to the sickness insurance system during the two years before confinement or taking substitute care of a child
Invalidity benefit	No statutory min or max. Incapacity for work higher than 70%: $IB = APEP \times PPI \times CPV$ Incapacity for work higher than 41% and less than 70%: $IB = APEP \times PPI \times CPV \times II/100$ Where APEP – Average Personal Earnings, PPI – Period of Pension Insurance and CPV – Current Pension Value	The required period of employment depends on age: Up to 20 years < 1 year 20 - 24 years: 1 year 24 - 28 years: 2 years 28 - 34 years: 5 years 34 - 40 years: 8 years 40 - 45 years: 10 years over 45 years: 15 years In case of accidents at work or occupational diseases and for persons disabled since childhood no minimum period of affiliation is required.
Survivor's benefit	Widow's Benefit and Widower's Benefit : 60% of the old-age or invalidity pension; Orphan's Pension: 40% per child of the old-age or invalidity pension to which each deceased parent was or would be entitled at the time of his or her death	

Table 4. ISSA (2014)

Monthly subsistence minimum	€237.80		
Current pension value	€10.2524		
<i>Social Security branch</i>	Min amount of benefits	RR	Qualifying conditions
Sickness benefit		55% of the daily assessment basis (insured earnings in the last year before the incapacity)	At least 270 days of coverage in 2 years before the incapacity began (voluntarily insured)
Unemployment benefit		50% of the daily assessment basis and is paid for up to six months	At least two years of contributions in the last three years
Old-age benefit	No min	The monthly pension is based on the average personal wage point, the length of the coverage period, and the current pension value	Age 62 (gradually rising from 2017 according to increases in life expectancy) with at least 15 years of coverage
Family benefit	Child allowance: €23.52 a month is paid for each child. Parental allowance: €203.20 a month Birth allowance: A lump sum of €829.86 - first, second and third child (€151.37 for the fourth and each additional child); for multiple births of three or more (or two sets of twins in a two-year period) the lump sum is increased by 50% for each child.		
Maternity benefit		65% of the daily assessment basis is paid from six to eight weeks before the expected date of childbirth	At least 270 days of coverage in the two years before the expected date of childbirth
Employment Injury benefit		From the first to the third day of incapacity, 55% of the insured's daily assessment basis is paid; thereafter, 25%	No minimum qualifying period
Invalidity benefit	No min	The monthly pension is the product of the average personal wage point, the length of the coverage period, and the current pension value	Must be assessed with a total disability (at least a 70% loss of earning capacity) or partial disability (at least 40% loss of earning capacity). The pension is paid with less than one year of coverage if aged 20 or younger; with at least one year if aged 21 to 24; with at least two years if aged 25 to 28; with at least five years if aged 29 to 34; with at least eight years if aged 35 to 40; with at least 10 years if aged 41 to 45; and with at least 15 years if older than age 45
Survivor's benefit	No min	Souse pension: 60% of the old-age or disability pension the deceased; Orphan's pension: 40% of the old-age or disability pension the deceased	Widow(er) who was married to the deceased and orphans younger than the age at which they can legally leave school (age 26 if a full-time student or disabled)

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

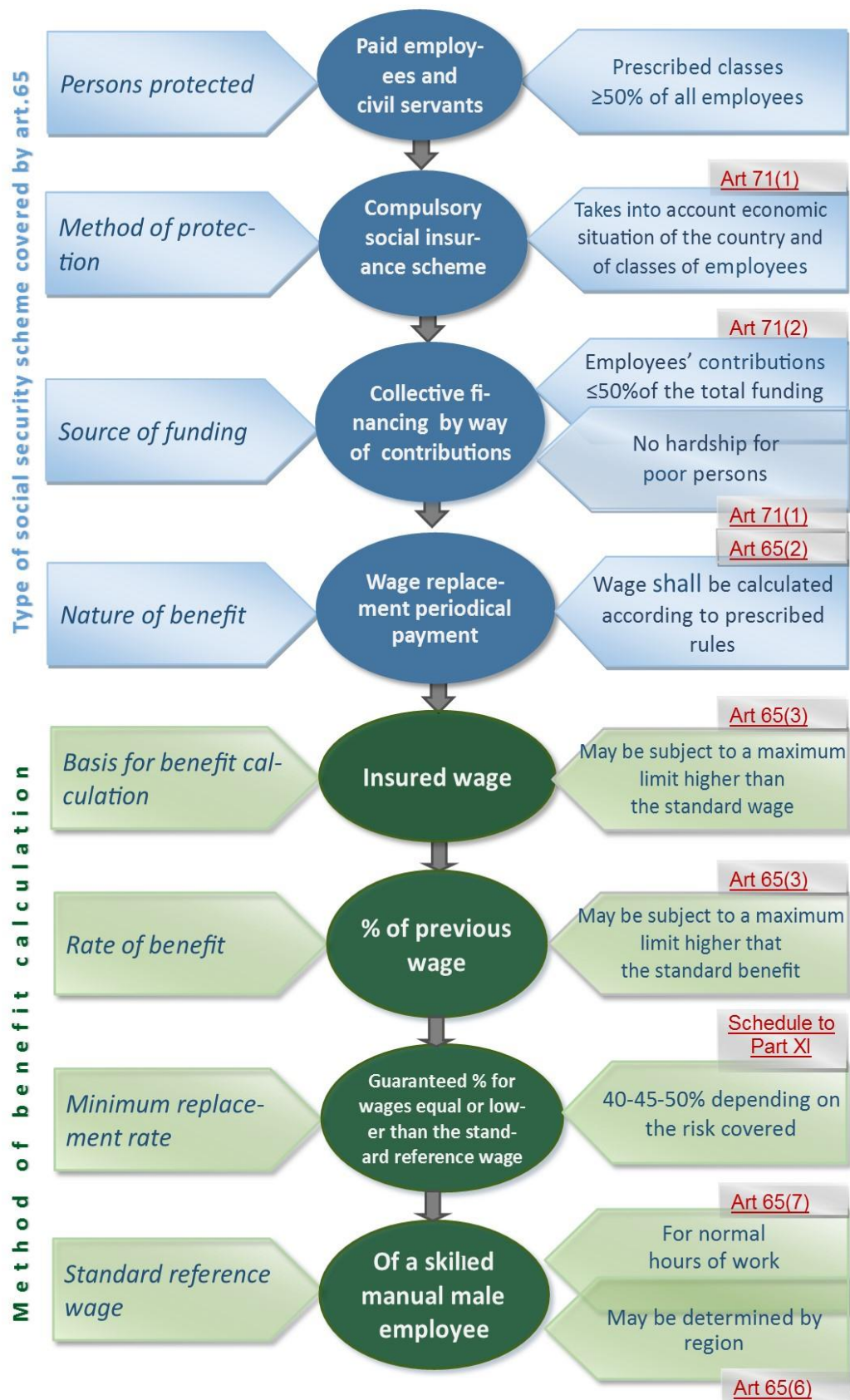


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

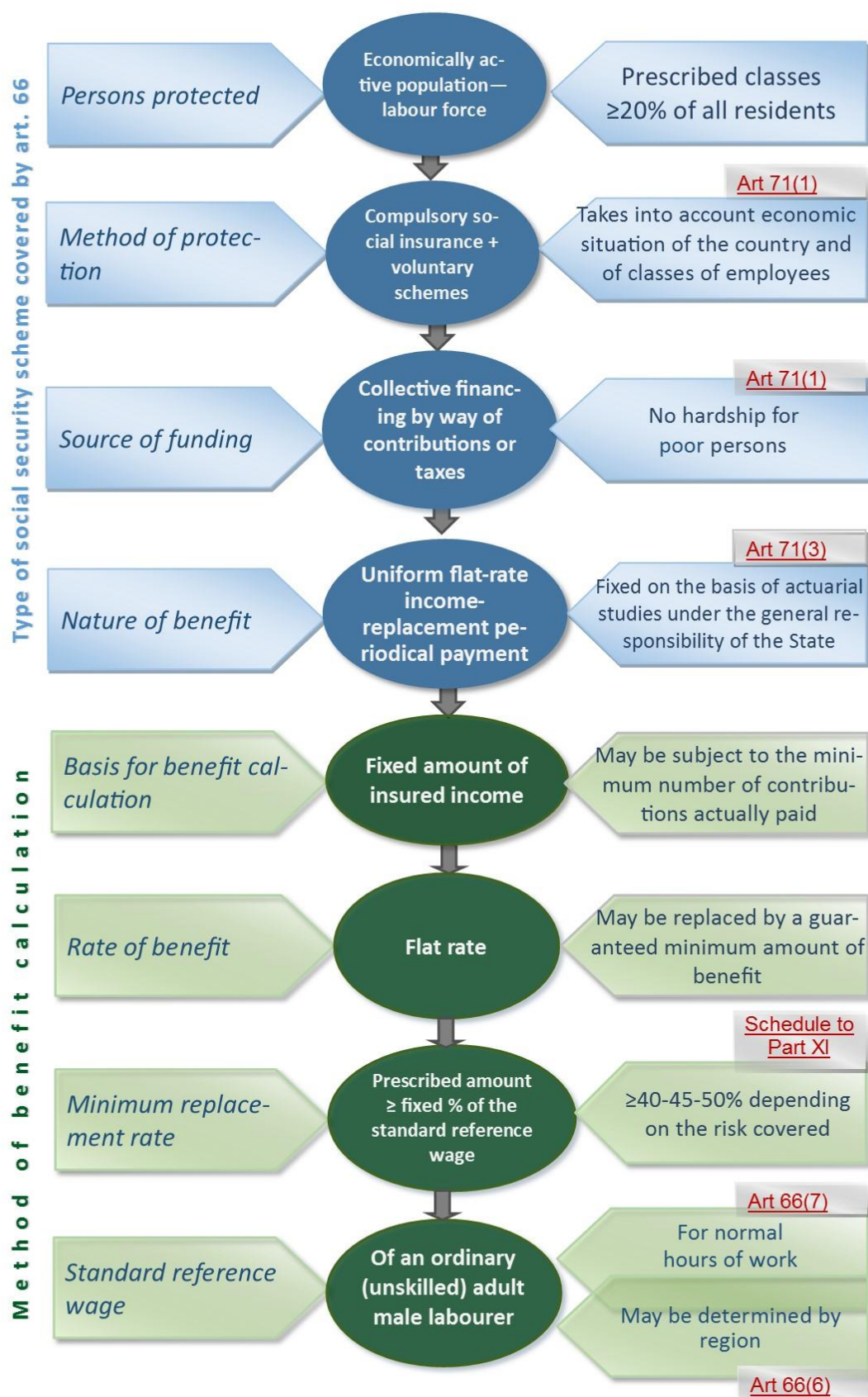


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation

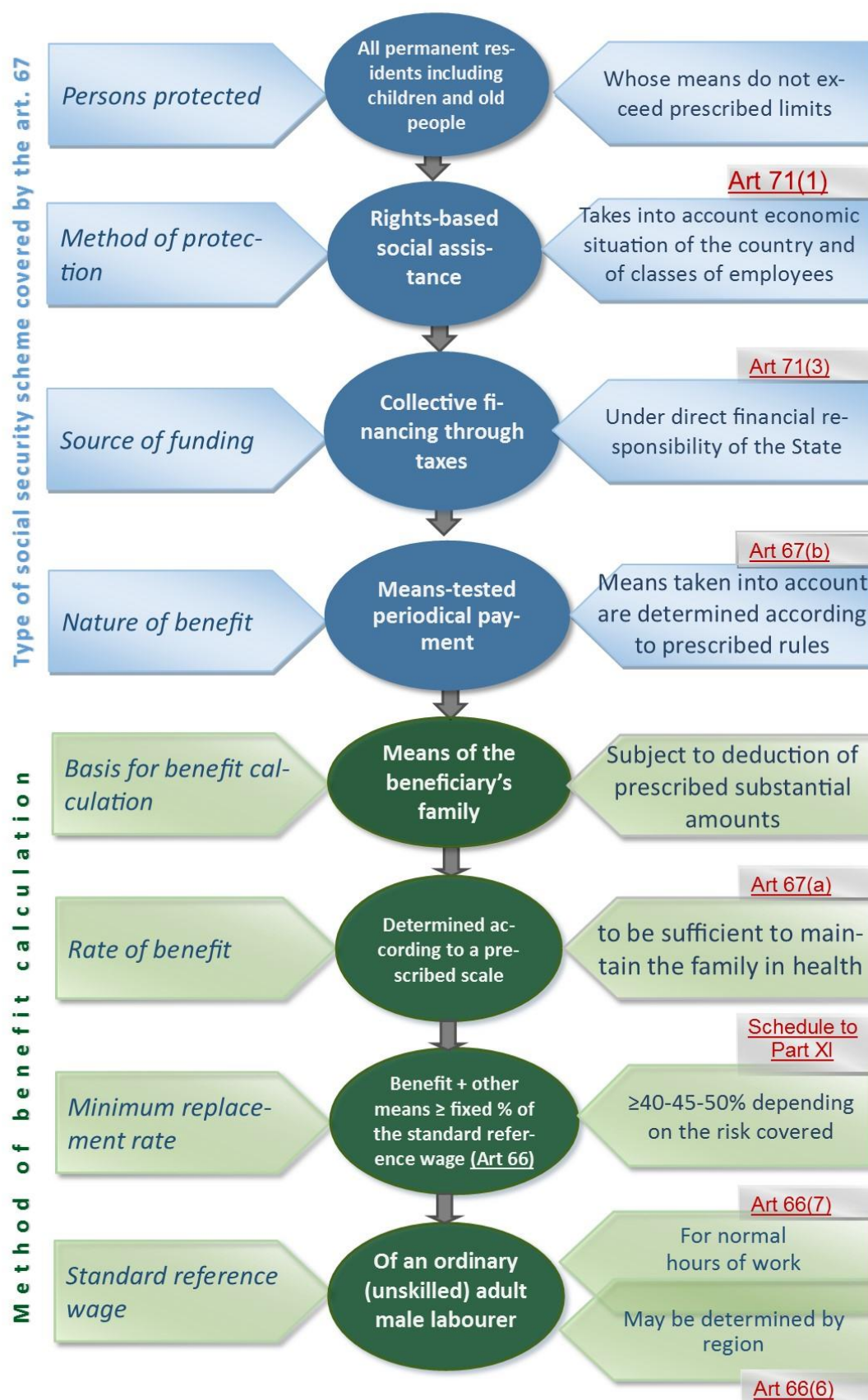


Table 5. Calculation of the reference wage under all options permitted by Articles 65-66 of the C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations ¹ -2010	Government ²
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: <i>typical skilled male worker in manufacturing</i>	738 euros	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	971 euros	
Article 66 (para 4): an ordinary manual male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: <i>typical unskilled male worker in manufacturing</i>	597 euros	

* Gross wages are used unless stated otherwise

¹ ILO calculations based on EUROSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government on the application of ECSS and C.102

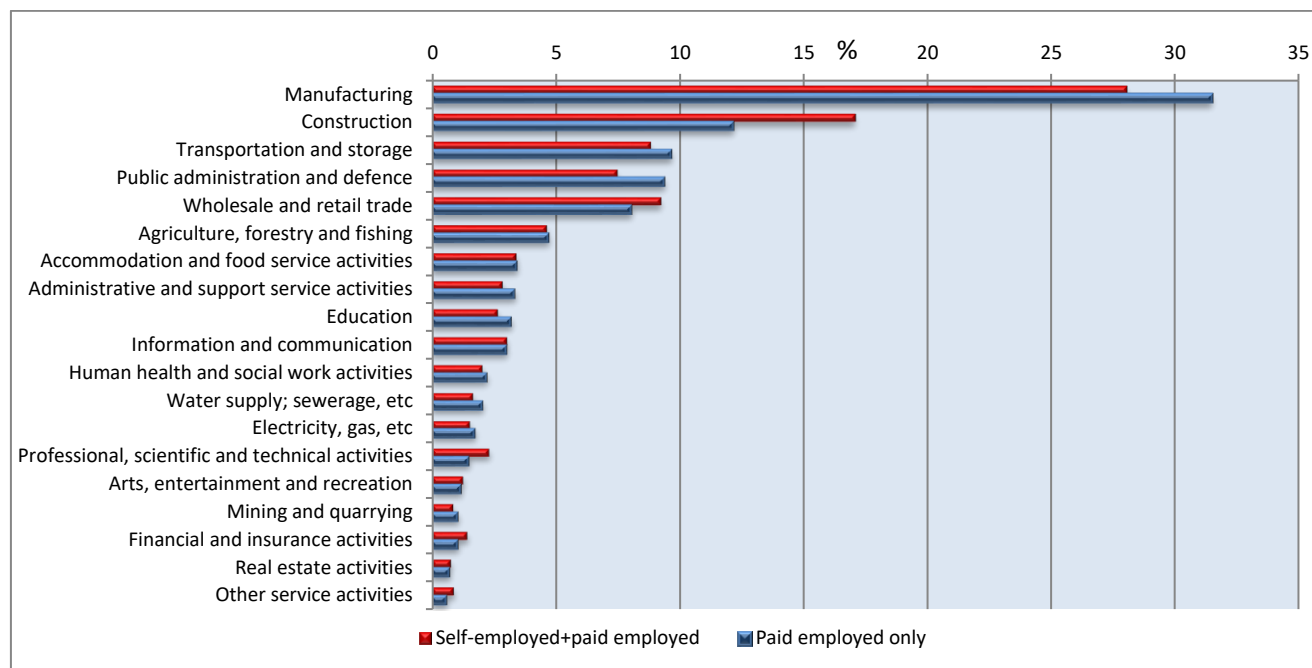
³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008
<http://unstats.un.org/unsd/cr/registry/iscic-4.asp>

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

Fig. 4. Share of employed males by economic activity in total male employment and share of males in paid employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)



Source: Eurostat LFS - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa_egaps&lang=en

Fig. 5. The average wages of a typical skilled/unskilled manual male employee are determined by cross-tabulating of the two classifications:

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

		ISCO 08	
ISIC rev.4	ISCO 08	Total	7. Craft and related trades workers
	ISIC rev.4		9. Elementary occupations
	Total		
	...		
C. Manufacturing	...		
	...		

ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group require skills at the second ISCO level.

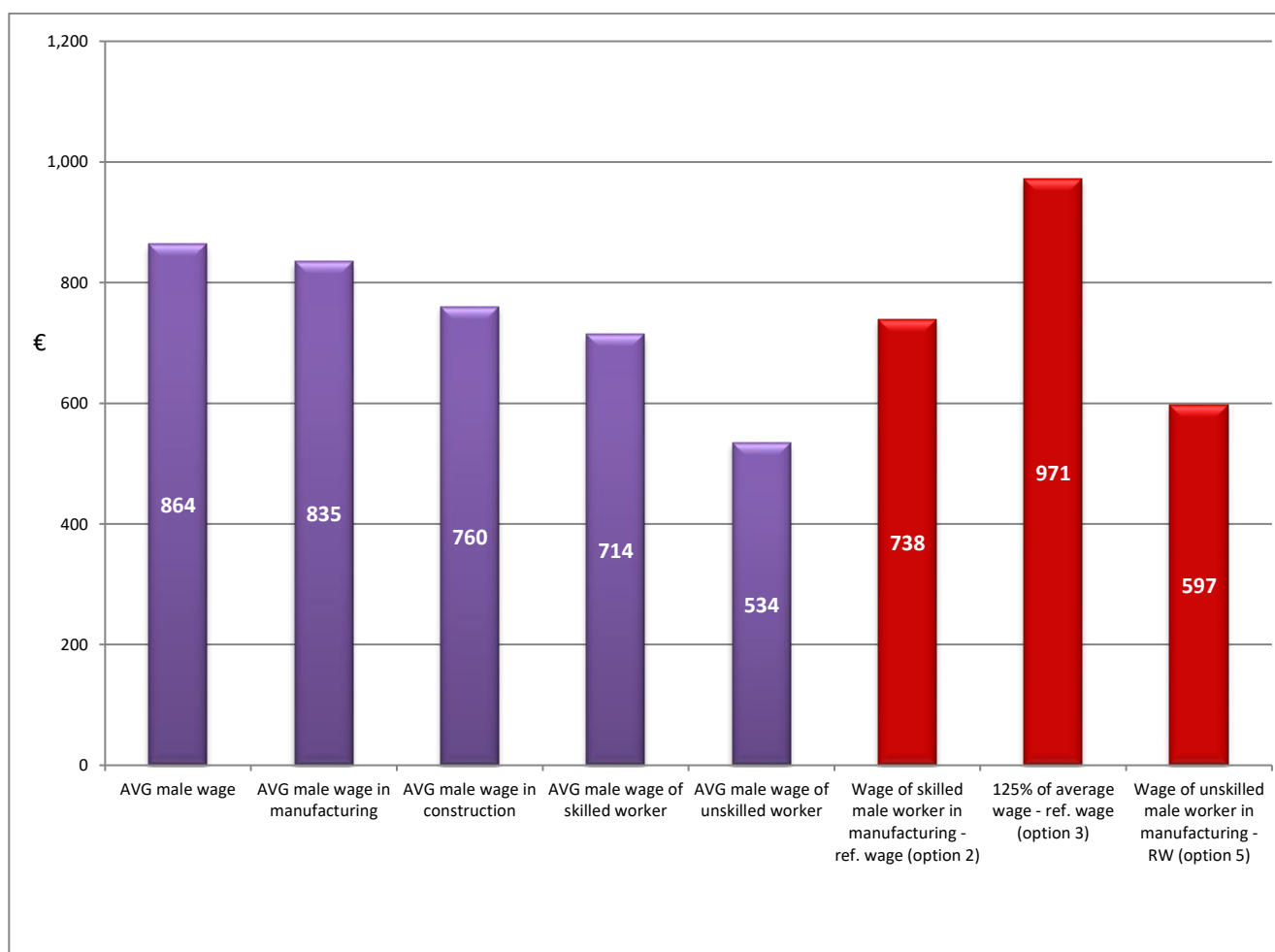
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig. 6. Comparison of the reported reference wage to other wage indicators in Slovakia, 2010, euros



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en for option 3 – 125% of average wage (include both full-time and part-time employees)

CHAPTER II. Integrated Management of compliance and reporting obligations of Slovakia under social security provisions of the ratified international treaties on social rights

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- [Parts of Convention No.102 no longer applicable following ratification of more advanced standards](#)
- [Fig. 1. Time management of the 5 years reporting cycle \(2011-2016/17\) on international and European social security standards](#)
- [Fig. 2. Time management for reporting on social security standards in 2016](#)

Table 1. Up-to-date social security standards in force

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
						Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
										C121 Art.19-21, C130 Part III, C168 Art.15,16	C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
							C103				



Social Security Standards in force for Slovakia



Social Security Standards not in force



Standards no longer in force

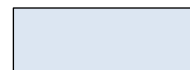
C102 - Part III is no longer applicable as a result of the ratification of C130;
Part V is no longer applicable as a result of the ratification of C128

Table 2. Pending comments of the supervisory bodies

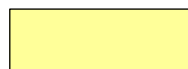
Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	🙄 13§1		🙄 Art.1§1§3	🙄 Art.23	🙄 15§2	🙄 Art.16	🙄 Art.8§1	🙄 Art.15§1		🙄 Art.4§1, 13§1	
	Art.11				Art.3	Art.27§1b,c		Art.15§3		Art. 13§2§3, 14,30	
	🙄 Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
										C121 Art.19-21, C130 Part III, C168 Art.15,16	C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C018 C042		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
					C017		C103				



Social Security Standards in force for Slovakia



Social Security Standards not in force



Pending comments of the supervisory bodies



Critical comments or non-compliance

Table 3. Up-to-date standards on which reports are due in 2016

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art. 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
										C121 Art.19-21, C130 Part III, C168 Art.15,16	C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C042		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
					C018		C103				



Social Security Standards in force for Slovakia



Social Security Standards not in force



Report in 2016

Table 4. Up-to-date standards on which reports are due in 2017

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW*	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
										C121 Art.19-21, C130 Part III, C168 Art.15,16	C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
							C103				



Social Security Standards in force for Slovakia

Report in 2017



Social Security Standards not in force

* CEDAW – Follow-up to State party's report

Table 5. Up-to-date standards on which reports are due in 2018

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
										C121 Art.19-21, C130 Part III, C168 Art.15,16	C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8- 11, C37Art.11-12, C39, Art.13-14
							C103				



Social Security Standards in force for Slovakia

Report in 2018



Social Security Standards not in force

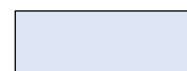
Table 6. Up-to-date standards on which reports are due in 2020

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
										C121 Art.19-21, C130 Part III, C168 Art.15,16	C121 Art.22-26, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14



Social Security Standards in force for Slovakia

Report in 2020



Social Security Standards not in force

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.
2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

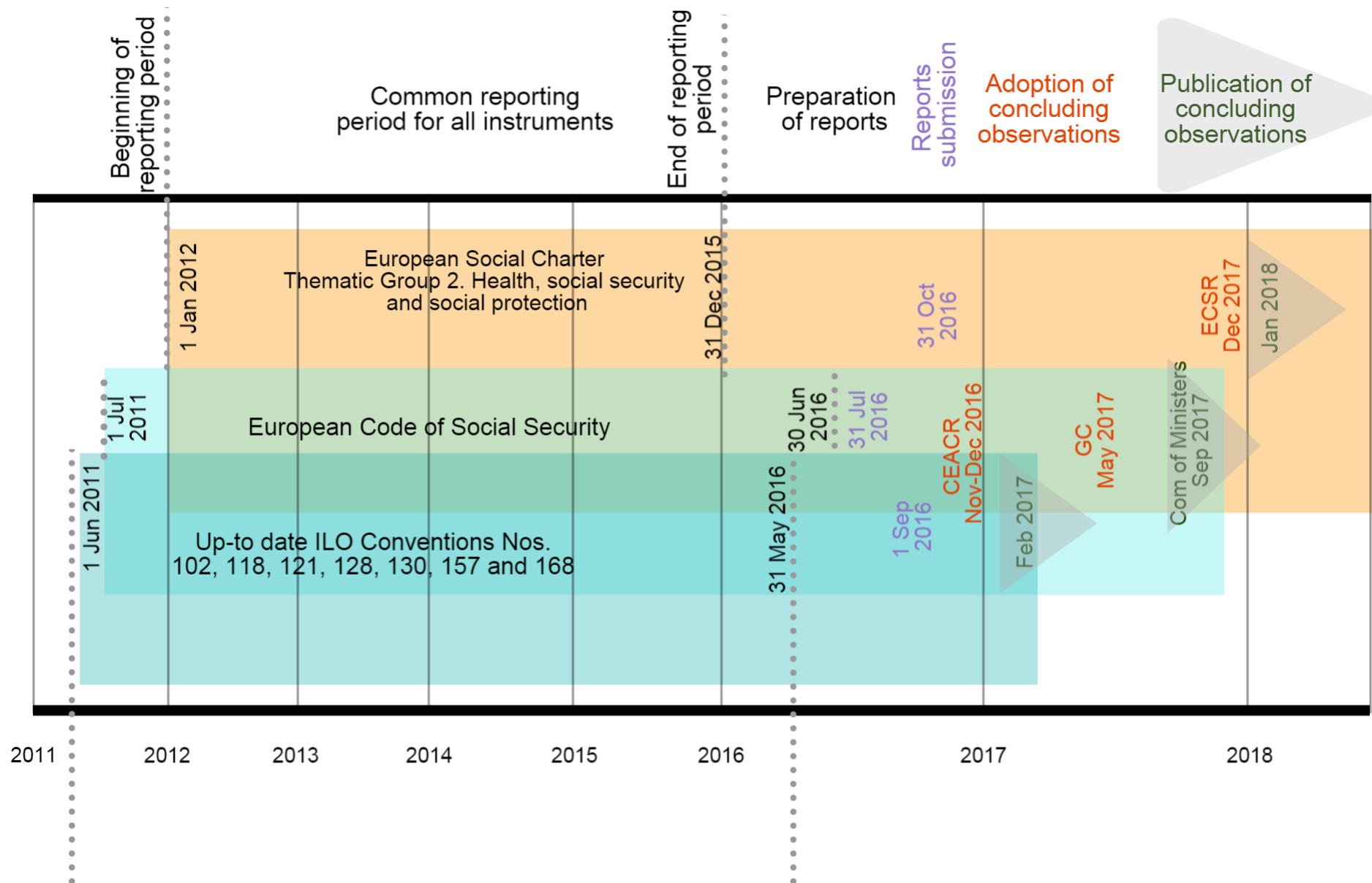
C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards



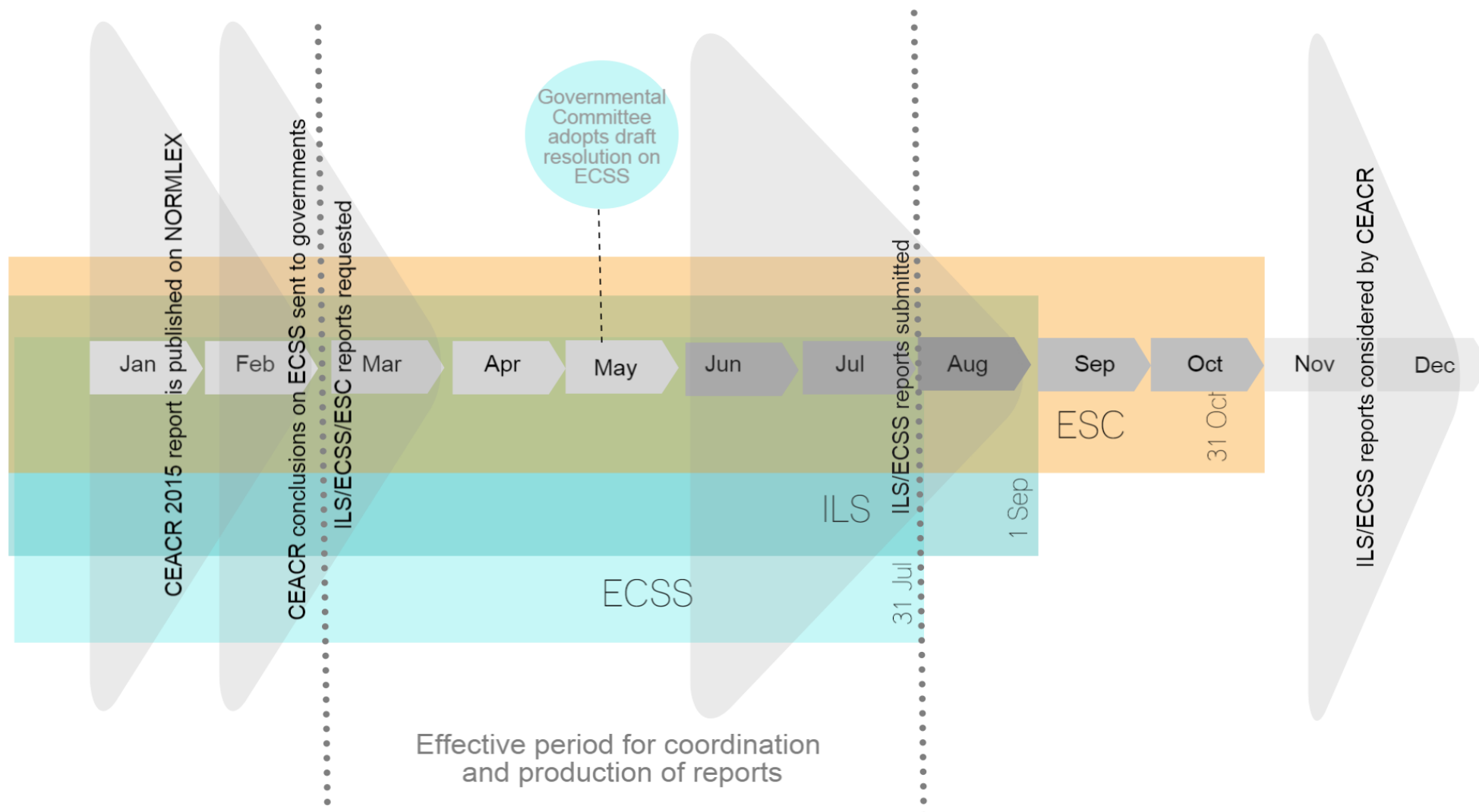


Fig. 2. Time management for reporting on social security standards in 2016

Chapter III. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Slovakia](#)
- [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)

1. [**United Nations**](#)

- [International Covenant on Economic, Social and Cultural Rights](#)
- [Convention on the Rights of the Child](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention on the Right of Persons with Disabilities](#)

2. [**Council of Europe**](#)

- [European Social Charter](#)

3. [**International Labour Organization**](#)

- [Invalidity, Old-Age and Survivor's Benefits Convention, 1967 \(No. 128\)](#)
- [Medical Care and Sickness Benefits Convention, 1969 \(No.130\)](#)
- [Maternity Protection Convention, 2000 \(No. 183\)](#)
- [Workmen's Compensation \(Accidents\) Convention, 1925 \(No. 17\)](#)

4. [**EU Country-Specific Recommendations**](#)

Table 1. In force international treaties on social rights ratified by Slovakia

Body	International Treaty	Entry into force for Slovakia	Next report due on
United Nations	ICESCR	28 May 1993	18 May 2017
	Convention on the Rights of the Child	28 May 1993	30 Jun 2020
	Convention on the Elimination of All Forms of Discrimination against Women	28 May 1993	01 Nov 2019
	Convention on the Rights of People with Disabilities	26 May 2010	26 Jun 2020
Council of Europe	European Code of Social Security		
	European Social Charter	23 Apr 2009	31 Oct 2016
International Labour Organization	Convention 102	01 Jan 1993	1 Jun - 1 Sep 2016
	Convention 103		
	Convention 121		
	Convention 128	01 Jan 1993	1 Jun - 1 Sep 2016
	Convention 130	01 Jan 1993	1 Jun - 1 Sep 2016
	Convention 168		
	Convention 183	12 Dec 2000	1 Jun - 1 Sep 2018
	Convention 012	1 Jan 1993	1 Jun - 1 Sep 2016
	Convention 017	1 Jan 1993	1 Jun - 1 Sep 2016
	Convention 042	1 Jan 1993	1 Jun - 1 Sep 2016
European Union	Country-Specific Recommendation of 14 July 2015		

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

UN Covenant on Economic, Social and Cultural Rights – Concluding observations 2012

[UN Office of the High Commissioner for Human Rights website link, Treaty bodies database](#)

9.The Committee is concerned by the fact that the Roma continue to be the victims of discrimination, particularly in the areas of education, employment, health and housing. The Committee regrets that the State party has not furnished it with statistics on this subject (arts. 2, 6, 11, 12 and 13).

The Committee recommends that the State party strengthen the preventive and protective measures in place to combat social and societal discrimination against the Roma in all domains, in particular by ensuring full enforcement of the Anti-Discrimination Act. The Committee also recommends that the State party undertake steps to promote the rights of the Roma, with regard to access to employment, education, housing and health. The State party should pass the bill on marginalized communities, enforce that law once it has been passed, implement its Roma integration strategy up to 2020 which it adopted on 11 January 2012 and report to the Committee on the results of those steps.

12.The Committee is concerned by the high rate of unemployment in the State party and especially by the persistence of long-term unemployment and by the major disparities between some regions, despite the efforts undertaken by the State party. It is particularly concerned by the unemployment rate among women and the alarmingly high unemployment rate among young people (art. 6).

The Committee recommends that the State party step up its efforts to reduce unemployment, particularly long-term unemployment, as well as the major regional disparities that exist in the State party. The Committee also recommends that the State party adopt appropriate measures to improve employment among women and to facilitate young people's entry to the labour market. The Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work.

13.The Committee is concerned by the high rate of unemployment among disadvantaged and marginalized groups of the population, particularly among the Roma and persons with disabilities and by the absence of data on the impact of steps taken to reduce unemployment among the Roma and persons with disabilities. The Committee is equally concerned by the fact that asylum seekers must wait for one year before they can obtain a work permit (art. 6).

The Committee recommends that the State party intensify its efforts to facilitate the Roma ' s access to the labour market, in particular by ensuring the effective implementation of its Roma integration strategy and related plans of action. It also recommends that the State party take the appropriate steps to amend its legislation to allow asylum seeker s to obtain a work permit within a year. In that connection, the Committee recommends that the State party accord recognition to the academic qualifications and work experience of asylum seeker s without discrimination. The Committee further recommends that the State party ensure the effective enforcement of legislation under which companies are subject to a quota for the employment of persons with disabilities.

15. The Committee is concerned by the fact that the minimum wage set in the State party is not sufficient to ensure a decent standard of living for workers and their families, despite the State party's efforts in this regard (art. 7).

The Committee reiterates its earlier recommendation that the State party set the minimum wage at a sufficient level to ensure a decent standard of living for recipients and their families.

20. The Committee is concerned by the fact that a significant proportion of the population still live beneath the poverty threshold, and that the proportion remains very high among the most disadvantaged and marginalized groups within its population, including the Roma (art. 11).

The Committee strongly urges the State party to intensify its efforts to combat poverty, especially among the most disadvantaged and marginalized members of the population, including the Roma, and to reduce disparities between regions. In that respect, it would draw the State party's attention to its statement concerning poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

21. The Committee is concerned by the fact that access to adequate, safe water is still not available to all sectors of the population in the State party, especially the most disadvantaged and marginalized groups and members of the rural population (art. 11).

The Committee recommends that the State party take the necessary steps to provide all members of its population, including those living in rural areas, with adequate, safe water and sanitation services. The Committee further encourages the State party to pursue the pilot projects already undertaken to that effect, in conformity with its general comment No. 15 (2002) on the right to water, and to provide information in its next report on the progress it has achieved.

22. The Committee is concerned by the fact that some groups within the State party's population, especially its most disadvantaged and most marginalized members, including the Roma, still do not have access to adequate housing. It is also concerned by reports of numerous forced evictions of Roma (art. 11).

The Committee recommends that the State party ensure that the 2010 Act encouraging low-cost housing construction is implemented and that it pursue its social housing construction programme, giving priority in the assignment of such dwellings to disadvantaged and marginalized groups, particularly the Roma. The Committee draws the State party's attention to its general comment No. 4 on the right to adequate housing. It also recommends that the State party avoid allowing any forced evictions of Roma to take place until these have been consulted and offered alternative accommodations. The Committee further draws the State party's attention to its general comment No. 7 (1997) on forced evictions.

24. The Committee is concerned by the fact that the new law on social security adopted in September 2011 has reduced coverage in terms of reproductive and sexual health services, in particular the prescription of contraceptives, including the most up-to-date. The Committee is also concerned by the fact that the confidentiality of the personal data of patients undergoing abortion is not guaranteed. The Committee is, in addition, concerned at the rising cost of abortion services (art. 12).

The Committee recommends that the State party expand the public insurance scheme to cover reproductive and sexual health services, allowing the prescription of contraceptives, including the most up-to-date. The Committee also recommends that the

State party ensure that the personal data of patients undergoing abortion remain confidential. Lastly it recommends that the State party lower the cost of abortion services.

25.The Committee is concerned by reports that sexual and reproductive health education is not included in school curricula, which means that students are left uninformed about the risks of early pregnancy and sexually transmitted diseases (arts. 12 and 13).

The Committee recommends that the State party take all appropriate steps to ensure that students receive sexual and reproductive health education at school in order to avert the risks associated with early pregnancy and sexually transmitted diseases.

Convention on the Rights of the Child – Concluding observations 2016

[*UN OHCHR website link, Treaty bodies database*](#)

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

Coordination

6. The Committee welcomes the establishment in 2011 of the interministerial Committee for Children and Young People. It is concerned, however, that regional and municipal governments are reportedly taking over the competencies of that body in the fields of housing, education and childcare.

7. The Committee recommends that the State party ensure that the Government Council for Human Rights, National Minorities and Gender Equality and the Committee for Children and Young People have sufficient authority to coordinate all activities related to the implementation of the Convention at the cross -sectoral, national and local levels and that they are provided with the necessary human, technical and financial resources for their effective operation.

Allocation of resources

8. The Committee regrets the State party's decision to cancel the priority task stipulated in the National Action Plan for Children of designing and implementing a method for tracking resources allocated from the State budget for the implementation of children's rights, with a particular emphasis on children in vulnerable situations, including Roma children, and its explanation, set out in the written replies to the list of issues, that specifying funds designated to implement the Convention is not realistic and that the voluntary provision of data on the budget through annual collection by addressing competent institutions is sufficient.

9. In the light of its day of general discussion in 2007 on " Resources for the rights of the child: responsibility of States " , the Committee recommends that the State party:

(a) Reinstate as a priority in the National Action Plan for Children the task of designing and implementing a method for tracking resources allocated from the State budget for the implementation of children ' s rights;

(b) Ensure transparent and participatory budgeting through public dialogue, especially with children, and proper accountability on the part of local authorities.

Data collection

10. The Committee reiterates its previous recommendations (see CRC/C/SVK/CO/2, para. 20) and further recommends that the State party:

(a) Expediently improve its data - collection system, which should cover all areas of the Convention, in order to ensure effective analysis and monitoring of the situation of all children, particularly those in situations of vulnerability, as well as impact assessments of the measures taken. The data should be disaggregated, inter alia by sex, age, disability, nationality and ethnic origin, geographic location, and socioeconomic and migratory status;

(b) Ensure that the data and indicators are shared among the ministries concerned and used to formulate, monitor and evaluate policies, programmes and projects with a view to the effective implementation of the Convention;

(c) Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

15. The Committee shares the concern of the European Commission against Racism and Intolerance that the implementation of the Anti-discrimination Act is not being adequately monitored and that the Slovak National Centre for Human Rights, as the monitoring body, does not function effectively and independently. The Committee is seriously concerned that:

(a) Despite numerous plans and strategies, Roma children, especially in segregated settlements, continue to face multiple forms of discrimination, mainly in the fields of education, health care and standard of living, including as they relate to housing, evictions and payment of benefits;

(b) Incidents of different forms of hate speech against vulnerable groups, such as the Roma, Muslims, and lesbian, gay, bisexual, transgender and intersex persons, including children, are increasing.

16. The Committee urges the State party to:

(a) Ensure the implementation of the Anti-discrimination Act as well as other laws prohibiting discrimination, including by ensuring the full independence, impartiality and effectiveness of the monitoring body;

(b) Conduct awareness-raising programmes on the prohibition of discrimination and related sanctions, paying particular attention to Roma children, children with disabilities, and lesbian, gay, bisexual, transgender and intersex children or children from lesbian, gay, bisexual, transgender and intersex families;

(c) Ensure the equal enjoyment by Roma children, especially those living in segregated settlements, of their rights to education, health care and an adequate standard of living;

(d) Investigate and sanction all cases of political figures and religious leaders using anti-Roma and anti-Muslim rhetoric as well as offensive discourse targeting sexual orientation;

(e) Ensure that law enforcement officials and legal professionals are adequately and systematically trained to effectively investigate and sanction hate crime, including in social and other media;

(f) Use legislative, policy and educational measures, including sensitization and awareness-raising, to end stigmatization of Roma, Muslim and lesbian, gay, bisexual, transgender and intersex children and children with disabilities.

E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

32. The Committee notes the explanation given by the State party during the dialogue that all types of families are protected without discrimination. The Committee is nevertheless

concerned that the definition contained in the June 2015 amendment to article 3 of the 2005 Family Code, of a stable family consisting of the child's father and mother as the most suitable environment for the complex and harmonic development of the child, does not take into account the different kinds of families that exist and is not in conformity with the definition of the family environment as set out in the Convention.

33. The Committee recommends that the State party amend article 3 of the Family Code to bring it into full compliance with the Convention, focusing on the well-being of the child rather than the composition of the family.

Children deprived of a family environment

34. While welcoming that the national legislation provides for support for community services to identify children or parents at social risk and provide them with assistance, the Committee is concerned that such services are not available throughout the State party. The Committee is also concerned that:

- (a) Preventive measures to avoid the removal of children from their families and programmes that aim to prevent the abandonment of children after birth are lacking;
- (b) Work quality standards and the level of education required of professionals working in the residential and foster care systems are very low and there is no systematic training and education in place for such professionals;
- (c) The duty to conduct regular monitoring of the situation of all children in alternative care, which is enshrined in the Family Code, is carried out on a pro-forma basis only and the provision of services to families at the community level provided for under the Act on Social and Legal Protection of Children and Social Guardianship is non-existent in practice;
- (d) Biological parents do not receive sufficient support to enable them to maintain contact with their children who have been placed in foster care and young people who leave residential and foster care do not receive adequate support as they enter adulthood;
- (e) Children placed in institutional care do not receive child-friendly information about their new placement and their rights, and their placement often does not take into account the geographical location of their biological family, their culture or language;
- (f) Child-friendly mechanisms to enable children in institutional care to make complaints and ensure their views are heard are lacking;
- (g) While Roma children comprise the largest ethnic group in children's homes in the State party, there are rarely any Roma employees in these homes and Slovak is often the only language spoken.

35. The Committee recommends that the State party:

- (a) Put in place measures promoting positive parenthood in order to avoid situations of family crisis that lead to the removal of children from their families, ensure access to professional help for families in crisis and ensure that children can stay in contact with their parents at all times, if it becomes necessary to separate them from their parents;**
- (b) Support and facilitate family-based care for children wherever possible, and strengthen the system of foster care for children who cannot stay with their families, with a view to further reducing the institutionalization of children;**
- (c) Provide anti-discrimination training for all relevant authorities in order to ensure that recommendations and decisions regarding the removal of Roma children from, and their return to, their families, are objective;**
- (d) Strengthen support to young people leaving care so as to enable them to reintegrate into society, by providing access to adequate housing, legal, health and social services, as well as educational and vocational training opportunities;**

- (e) Ensure the periodic review of the placement of children in foster care and institutions, and monitor the quality of care, including by providing accessible channels for reporting, monitoring and remedying the maltreatment of children;**
- (f) Ensure that foster families are entitled by law to receive financial and professional help such as respite services, education, supervision and guidance;**
- (g) Prioritize the hiring of Roma professionals and the use of the Roma language in addition to Slovak in children ' s homes, maintaining the ethnic identity of individual children and increasing cultural sensitivity towards all children in children ' s homes.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

36. The Committee welcomes that the 2014 National Plan for Developing Living Conditions for Persons with Disabilities includes an obligation by the Ministry of Education to ensure greater accessibility of individualized support for children with disabilities, in particular through the employment of teaching assistants, school psychologists and special education teachers. It also welcomes the fact that the Plan requires that the provision set out in article 29 (11) of Act on Education (No. 245/2008 Coll.), stipulating that integration can be denied to a child with a disability if he or she could jeopardize the education of other children, be removed. The Committee is concerned, however, that the 2014 National Plan does not set out a specific time frame and that:

- (a) The State party's legislation does not provide a framework for achieving inclusive education, there is no effective policy providing for the transition from a segregated to an inclusive educational system and material, financial and human resources are not available for mainstream schools to ensure inclusive education;**
- (b) Children with disabilities are generally directed towards vocational training as opposed to higher education studies, regardless of their intellectual abilities;**
- (c) The State party continues to prioritize expensive investment in residential care, while home carers of children with severe disabilities receive an inadequate subsidy;**
- (d) Children with disabilities are exempt from the requirement that children under the age of 6 are placed in a family instead of a children's home;**
- (e) The number of early intervention centres continues to be insufficient and relies on private donors.**

37. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

- (a) Amend the Education Act in order to enshrine in the national legislation the principle of, and right to, inclusive education, and establish comprehensive specific measures for implementation, including defined responsibilities and a time frame;**
- (b) Ensure that inclusive education is given priority over the placement of children in specialized institutions and classes, and train and assign specialized teachers and professionals in integrated classes providing individual support;**
- (c) Amend the Act on the Social and Legal Protection of Children and Social Guardianship to prohibit the institutionalization of children with disabilities under the age of 6 ;**
- (d) Prioritize family and community care and fully commit to the implementation of the " deinstitutionalization policy " in order to ensure that children with disabilities no longer live in segregated institutional settings;**

- (e) Increase the amount of parental allowance for families with children who have a severe disability and grant them a special child - care allowance;**
- (f) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.**

Health and health services

38. The Committee is concerned that:

- (a) There is a shortage of doctors, especially in rural areas, which hinders children's access to regular medical check-ups and emergency care;
- (b) The vaccination rate has recently dropped below the 95 per cent threshold due to anti-vaccination campaigns, contraindications and the reported resistance to vaccination in Roma communities;
- (c) Indicators related to infant and young child feeding are not monitored and the International Code of Marketing of Breast-milk Substitutes has only partially been implemented;
- (d) Despite progress achieved through the work of health assistants with Roma communities since 2014, many Roma children continue to be discriminated against in access to health care due to the segregation of their communities and Roma women and children reportedly continue to be segregated in hospital facilities such as paediatric departments or gynaecological and obstetrics departments in Eastern Slovakia, e.g., in the State-run hospital in Prešov;
- (e) Infectious diseases, such as tuberculosis and syphilis, spread in isolated Roma communities and the use of inhaled substances, such as toluene, is widespread, especially among young children.

39. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee reiterates its previous recommendations (see CRC/C/SVK/CO/2, para. 50) and further recommends that the State party:

- (a) Continue adopting measures to return the vaccination rate to above 95 per cent, including by conducting pro-vaccination campaigns and extending the use of health assistants to include all towns with low child vaccination rates;**
- (b) Monitor infant and young child feeding as defined by the World Health Organization, extend the Baby Friendly Hospital Initiative throughout the State party, fully implement the International Code of Marketing of Breast-milk Substitutes and enforce it through a systematic monitoring mechanism with deterrent sanctions for violators of the Code;**
- (c) Introduce systematic measures to effectively monitor, sanction and stop segregation in all its forms in the State party's hospitals and conduct awareness-raising programmes in Roma communities on basic rights and complaint mechanisms in cases of violations of those rights;**
- (d) Continue taking measures to combat the spread of infectious diseases in isolated Roma communities and the use of inhaled substances, especially among young children.**

Adolescent health

40. The Committee is concerned about:

- (a) The lack of a comprehensive national policy on adolescent sexual and reproductive health and rights;
- (b) The lack of knowledge and limited use of modern contraceptives and the decrease in that regard since 2007 as well as the high teenage birth rate, accompanied by a high rate of school

dropout and high infant mortality rate among newborn children of young mothers from socially disadvantaged backgrounds;

(c) The relatively high cost of contraceptives and general lack of subsidization thereof;

(d) The statutory requirement for parental consent in cases of all adolescent girls under 18 wishing to use contraceptives by prescription or wishing to undergo abortion and the fact that abortion on request for adolescent girls is not covered by public health insurance;

(e) The 2009 amendment to the Act on Health Care and Services Related to the Provision of Health Care providing for a mandatory waiting period for abortion and requiring the collection of personal data on girls having an abortion and mandatory counselling, which is intended to dissuade girls, through the provision of medically inaccurate, misleading and stigmatized information, from obtaining abortion services;

(f) The inadequate regulation of conscience-based refusals of reproductive health care leading to lack of access for adolescent girls;

(g) The lack of comprehensive data on adolescent sexual and reproductive health.

41. The Committee recommends that the State party:

(a) Adopt and implement, without further delay and in consultation with children ' s rights organizations, women ' s rights organizations and reproductive rights organizations, a comprehensive human rights-compliant and evidence-based sexual and reproductive health policy for adolescents, and allocate adequate financial and human resources for its effective implementation, with particular attention to girls with disabilities;

(b) Take effective measures to expand adolescent girls ' practical access to affordable contraception, including through training and information programmes designed to improve public and health-care providers ' levels of knowledge and evidence-based information on contraception;

(c) Repeal the 2011 prohibition on the public health insurance coverage of contraception, ensure the universal coverage of modern contraception and abortion services under public health insurance and remove the parental consent requirement for abortions and contraceptives requested by adolescent girls above the age of sexual consent;

(d) Take effective measures to ensure adolescent girls ' access to safe and legal abortion services, including by repealing legislative provisions which subject them to a mandatory waiting period;

(e) Ensure that health-care professionals provide medically accurate and non-stigmatizing information on abortion and guarantee adolescent girls ' confidentiality;

(f) Amend legislation to explicitly prohibit institutions from adopting institutional conscience-based refusal policies or practices and establish effective monitoring systems and mechanisms to enable the collection of comprehensive data on the extent of conscience-based refusals of care and the impact of the practice on girls ' access to legal reproductive health services;

(g) Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them and to foster responsible parenthood and sexual behaviour, with particular attention to boys and men.

Standard of living

42. The Committee is concerned that:

(a) Recent legislative provisions which have made the payment of child benefit, parental care allowance and childbirth allowance conditional on compliance with preventive measures aimed at reducing child criminality, securing compulsory school attendance and supporting responsible parenthood have been largely ineffective and have had a disproportionately negative effect on the socioeconomic well-being and right to social security of marginalized Roma families and their children;

(b) A significant percentage of Roma families continues to live in segregated situations and many still do not have access to adequate housing and suffer from a lack of basic facilities such as sanitation, electricity, drinking water, a sewage system and waste disposal;

(c) In several communities Roma children suffer from malnutrition owing to extremely poor living conditions;

(d) Roma families have frequently been subjected to forced evictions.

43. The Committee draws attention to the Sustainable Development Goals (target 1.3: implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable) and recommends that the State party:

(a) Amend the discriminatory legislation making the rates of payment of child benefit, parental care allowance and child birth allowance conditional on compliance with preventive measures;

(b) Develop anti-poverty strategies to ensure that Roma families and children are included as target groups in need of special protection and include reference thereto in the National Roma Integration Strategy;

(c) Adopt policies and allocate budgets for connecting Roma settlements to public drinking water and sewage systems;

(d) Ensure that Roma families are not subjected to forced evictions and demolitions of their settlements without prior notice and that when such demolitions are necessary adequate and appropriate alternative housing solutions are provided for them, in line with relevant international standards, including the basic principles and guidelines on development-based evictions and displacement (see A/HRC/4/18, annex I) and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security, adopted by the Committee on World Food Security of the Food and Agriculture Organization of the United Nations (FAO) in 2012.

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

52. The Committee is concerned that:

(a) Asylum-seeking families with children are being systematically detained for lengthy periods in highly unsuitable conditions, and alternatives to detention are often not available to them;

(b) There are no support services or special shelters for asylum-seeking and refugee families;

(c) Asylum-seeking and refugee children only have access to education after they have spent three months in detention, they receive inadequate health care, including owing to a lack of medical personnel who speak languages other than Slovak and a lack of interpreters, and at times of peak demand they do not receive sufficient clothing and other basic necessities;

(d) In the recent discussions on migration and the European Union's relocation and resettlement schemes, the State party has repeatedly made clear that it will not accept refugees and asylum seekers who are Muslims.

53. The Committee recommends that the State party:

(a) Expeditiously and completely discontinue the detention of children on the basis of their or their parents ' immigration status and provide alternatives to detention that allow children to remain with their family members and/or guardians in non-custodial, community-based contexts, without requiring proof of the availability of unreasonably high daily subsistence funds;

(b) Ensure the rights of all asylum-seeking and refugee children to an adequate standard of living, education and health care free from discrimination, including on religious grounds.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2015

[UN OHCHR website link, Treaty bodies database](#)

Employment

28. The Committee notes the amendment of the Labour Code in 2011 which provides for equal treatment of women and men in employment and the increase in the representation of women on corporate boards. Nevertheless, the Committee is concerned that:

(b) The lack of effective measures to promote reconciliation of work and family life constitutes a barrier to women's access to employment, in particular for mothers with young children;

(d) Many public and private actors have not adopted temporary special measures to facilitate women's participation in the labour market; and

29. The Committee recommends that the State party:

(c) Review its labour and social security legislation to promote equal sharing of parental responsibilities between women and men;

(d) Strengthen labour inspections and sanctioning discriminatory practices by employers based on pregnancy and following parental leave, encourage men to opt for paternity leave and flexible working arrangements, raise awareness among employers, particularly private employers, on the advantages of promoting gender equality in the workforce; and provide affordable quality childcare facilities across the State party;

Health

30. The Committee is concerned:

(a) That the adoption of a comprehensive programme on sexual and reproductive health and rights has long been pending, even though rates of teenage pregnancy and infant mortality are high and the incidence of sexually transmitted infections, including HIV, is increasing;

(b) That the costs of modern forms of contraception for the purpose of preventing unintended pregnancies and abortion on request are not covered by public health insurance;

(c) That an amendment to the Healthcare Act in 2009 introduced a mandatory 48-hour waiting period, compulsory counselling and, in the case of girls under 18 years of age, parental consent before abortion, as well as the duty of doctors to report each case of a woman seeking abortion to the National Health Information Centre with personal details;

(d) That, in more than one third of districts, legal abortion is unavailable and in four of those districts as a result of the conscientious objections of health-care institutions;

(e) That oversight procedures and mechanisms for ensuring adequate standards of care and respect for women's rights, dignity and autonomy during deliveries are lacking and options for giving birth outside hospitals are limited;

(f) That Roma women are segregated from other patients in maternity hospitals.

31. The Committee recommends that the State party:

(a) Adopt and implement, without further delay, a comprehensive programme on sexual and reproductive health and rights, which is in line with the Convention, the Committee's general recommendation No. 24 (1999) on women and health and international human rights and World Health Organization standards; allocate sufficient human, technical and financial resources for the implementation of such a programme; conduct research to identify the root causes of the high rates of infant mortality and teenage pregnancy and of the increase in sexually transmitted infections; and ensure the free, active and meaningful participation of women's organizations, in particular those working on

women's sexual and reproductive health and rights, in the development, implementation and monitoring of such a programme;

(b) Revise relevant legislation and ensure universal coverage by public health insurance of all costs relating to legal abortion, including abortion on request, and modern contraceptives for the prevention of unwanted pregnancies;

(c) Revise the Healthcare Act, as amended in 2009, to ensure access to safe abortion and remove the requirement for mandatory counselling, medically unnecessary waiting periods and third-party authorization, in line with the recommendations of the World Health Organization;

(d) Ensure unimpeded and effective access to legal abortion and post-abortion services to all women in the State party, including by ensuring mandatory referrals in cases of conscientious objections by institutions, while respecting individual conscientious objections;

(e) Ensure that information provided by health-care professionals to women seeking abortion is based on science and evidence and covers the risks of having or not having an abortion, to ensure that women are fully informed and can take autonomous decisions;

(f) Ensure the confidentiality of the personal data of women and girls seeking abortion, including by abolishing the requirement to report the personal details of such women and girls to the National Health Information Centre;

(g) Put in place adequate safeguards to ensure that women have access to appropriate and safe childbirth procedures that are in line with adequate standards of care, respect for women's autonomy and the requirement of free, prior and informed consent;

(h) Monitor and sanction the segregation of Roma women in hospitals and clinics, including maternity hospitals.

32. The Committee welcomes the adoption of binding regulations by the Ministry of Health in its decree No. 56 of 23 October 2013, detailing the procedures to be undertaken to ensure the free, prior and informed consent of the woman concerned before a sterilization is carried out and requiring the distribution of sample forms of informed consent in the national language and in the languages of national minorities. Nevertheless, the Committee remains concerned:

(a) That there is no systematic monitoring of the implementation of decree No. 56 and other relevant legislation on the prohibition of forced sterilization;

(b) That Roma women are unaware of their rights and the ways to seek redress in the case of sterilizations without informed consent, including those that occurred in the past;

(c) That some cases of forced sterilization have been pending in the national courts for long periods, which indicates the inability of the justice system to provide appropriate, effective and gender-sensitive remedies in a timely manner.

33. The Committee recommends that the State party:

(a) Systematically monitor public and private health centres, including hospitals and clinics, that perform sterilization procedures, so as to ensure their full compliance with national legislation and regulations on the prohibition of forced sterilization and impose appropriate sanctions in the event of a breach;

(b) Provide systematic and regular training to all relevant personnel in public and private health centres on how to ensure free, prior and informed consent for medical interventions in the field of women's reproductive health, including sterilization, in line with the Convention and the Committee's general recommendations Nos. 19 and 24;

(c) Take measures to raise awareness among Roma women of their sexual and reproductive rights and on ways to seek redress in cases of violation, including with regard to cases that occurred in the past;

(d) In line with the Committee's general recommendation No. 33, ensure that complaints filed by Roma women against forced sterilization are duly investigated and that victims of such practices have access to remedies and redress that are adequate, effective, promptly granted, holistic and proportionate to the gravity of the harm suffered.

Economic empowerment of women

34. The Committee notes that the State party has introduced minimum pension benefits and extended the period of maternity leave for single mothers. However, it is concerned that single parent households headed by women, older women and Roma women, in particular those living in segregated settlements, are at high risk of poverty and that social benefits, allowances and pensions are not providing adequate protection against poverty.

35. The Committee recommends that the State party review its pension and social benefits schemes to ensure that the amount and duration of pensions and other benefits are adequate for effective protection against poverty and adopt a specific strategy to improve the economic status of single parent households headed by women, older women and Roma women.

Convention on the Right of Persons with Disabilities – Concluding observations 2016

[*UN OHCHR website link, Treaty bodies database*](#)

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1-4)

5. The Committee is concerned about the lack of a strategy to promote the rights of persons with disabilities among the Roma people.

6. The Committee recommends that the State party develop a policy, action plan and indicators to implement the rights of persons with disabilities among the Roma people.

7. The Committee is concerned that progress on the national programme for the development of the living conditions of persons with disabilities towards the implementation of the Convention is unclear and too slow.

8. The Committee recommends that the State party develop goals, targets, indicators and a timeline for the above-mentioned programme, and ensure stakeholder involvement in its expected outcomes.

9. The Committee is concerned at the absence of frameworks for meaningful participation of persons with disabilities through their representative organizations with respect to the development and implementation of legislation and policies concerning persons with disabilities.

10. The Committee recommends that the State party ensure the full participation of persons with disabilities through their representative organizations in the development and implementation of disability-relevant legislation and policies, paying particular attention to women, girls, boys and the Roma population with disabilities.

11. The Committee is concerned that the medical approach to disability is still used in assessments and provisions addressing persons with disabilities, and is also concerned about the lack of understanding of the rights of persons with disabilities among professionals.

12. The Committee recommends that the State party adopt a human rights-based definition of disability in the regulations relating to the assessment of disability. The Committee also recommends that the State party provide policymakers and professionals with training and raise awareness among them on the rights of persons with disabilities, in line with the Convention.

B. Specific rights (arts. 5-30)

15. The Committee is concerned that reasonable accommodation has been misinterpreted as a temporary special measure and that there is a lack of an explicit definition of reasonable

accommodation in legislation. The Committee is concerned that the denial of reasonable accommodation as disability-based discrimination is not recognized in law.

16. The Committee recommends that the State party amend section 2a (1) of the Anti-Discrimination Act to include denial of reasonable accommodation as disabilitybased discrimination; and to introduce specific provisions in relation to sanctions for non-compliance.

Women with disabilities (art. 6)

21. The Committee is concerned that legislation and policies on gender equality are not disability-inclusive and that legislation and policies on disability rights are not gendersensitive. It is also concerned that the State party does not have specific policies for women with disabilities and that they are not consulted on matters that affect them directly.

22. The Committee recommends that the State party mainstream disability in all legislation and policies on gender equality, and that gender is mainstreamed in all legislation and policies on disability rights. It also recommends that the State party establish specific policies regarding women with disabilities in close consultation with them through their representative organizations.

Children with disabilities (art. 7)

23. The Committee is deeply concerned about the number of children with disabilities living in institutions, especially those with intellectual disabilities.

24. The Committee urges the State party to prevent any new placement of children with disabilities in institutions, and to introduce an action plan with a clear timetable for its implementation and budget allocations to ensure the full deinstitutionalization of children with disabilities from all residential services and their transition from institutions into the community.

25. The Committee is concerned that there is a significant lack of early intervention and early diagnosis services in the health, social and educational areas and that financial support for families with children with disabilities requiring early intervention is insufficient.

26. The Committee recommends that the State party develop a holistic and comprehensive network of health and social care services for the early diagnosis and intervention for children with disabilities, in close consultation with their representative organizations, and increase financial support for their families using public resources.

Accessibility (art. 9)

29. The Committee is concerned that national legislation does not provide for the monitoring of compliance to guarantee accessibility to buildings or transport.

30. The Committee recommends that the State party implement policies, guidelines and training, along with sanctions for non-compliance, in relation to accessibility, universal design, procurement and construction, especially with regard to the proposed new building act, in line with general comment No. 2 (2014) on accessibility.

31. The Committee is concerned about the lack of accessibility to public information and communication, including in relation to transport.

32. The Committee recommends that the State party make provision for public signs in Braille and easy-to-read formats, and live assistance, intermediaries, guides, readers, accessible information kiosks, ticket vending machines, websites, mobile applications and professional sign language interpreters to facilitate accessibility to buildings, transport and other facilities open to the public.

33. The Committee further recommends that the State party pay attention to the links between article 9 of the Convention and targets 11.2 and 11.7 of the Sustainable Development Goals.

Personal mobility (art. 20)

59. The Committee is concerned about the insufficient affordability of aids and adaptations and the difficulties encountered in the process of granting allowances to receive assistive devices, in particular for people with complex physical disabilities.

60. The Committee recommends that all aids, adaptations and assistive devices be available, affordable and of good quality for all persons with disabilities, in particular for people with complex physical disabilities.

Respect for home and the family (art. 23)

65. The Committee is deeply concerned that section 12 of the Family Act restricts the right to marriage of persons with intellectual and psychosocial disabilities. The Committee is also concerned about the lack of provision of support to children with disabilities to remain in the family and of means to avoid their placement in institutions, and the lack of measures to support parents with disabilities.

66. The Committee recommends that the State party repeal section 12 of the Family Act; provide adequate support for children with disabilities to reside in the family; and provide support to parents with disabilities to retain full parental responsibility for their children.

Health (art. 25)

69. The Committee is concerned about discrimination in access to health-care services, in particular sexual and reproductive health services, and the restrictions to the exercise of free and informed consent to treatment, especially for persons with intellectual disabilities.

70. The Committee recommends that the State party remove physical, information and communication barriers to gaining access to health-care services, and that medical services and treatment be provided on the basis of the free, prior and informed consent of all persons with disabilities. Furthermore, the Committee recommends that the State party provide training for all health and social care personnel on the rights enshrined in the Convention.

Habilitation and rehabilitation (art. 26)

71. The Committee is concerned about the low quality and availability of State-funded rehabilitation.

72. The Committee recommends that the State party guarantee, in consultation with organizations of persons with disabilities, the quality and availability of all rehabilitation services and the introduction of mechanisms to monitor compliance with the Convention.

Work and employment (art. 27)

73. The Committee is concerned about the large number of persons with disabilities employed in sheltered workshops and the lack of efficient measures taken to encourage employment in the open labour market.

74. The Committee recommends that the State party step up efforts on the transition from sheltered workshops to an open labour market for all. The process must include an action plan, timetable, budget and training for public and private sector employers, including on the provision of reasonable accommodation. The Committee also recommends that the State party pay attention to the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals.

Adequate standard of living and social protection (art. 28)

75. The Committee notes with deep concern the numbers of persons with disabilities living below the poverty line, including Roma and ethnic minority families who have a family member with a disability.

76. The Committee recommends that the State party provide an adequate standard of living to persons with disabilities, including those from an ethnic minority background and those over the age of 65, and ensure that social protection schemes are regularly monitored to track the alleviation of poverty. The Committee also recommends that the State party pay attention to the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

83. The Committee is concerned about the absence of systematic data collection disaggregated by disability, sex and age across all sectors. Furthermore, the Committee is concerned at the lack of coordinated research about the lives of persons with disabilities and their families.

84. The Committee recommends that the State party pay attention to the links between article 31 of the Convention and target 17.18 of the Sustainable Development Goals to increase significantly the availability of high-quality, timely and reliable data disaggregated by, inter alia, sex, age and disability, and coordinate research to obtain a full understanding of the lives of persons with disabilities, the barriers they face and the solutions required to enable their full participation in society

2. Council of Europe

European Social Charter

[Official website of the European Social Charter, link to conclusions](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The unemployment rate increased from 11.1% in 2007 to 14.4% in 2010, one of the largest increases among the EU-27, where the average rate was 9.7% in 2010. The Slovak Republic was also one of the countries where youth unemployment increased most, from 20.3% in 2007 to 33.6% in 2010. As regards long-term unemployment (as a percentage of all unemployed persons), although there was a slight decrease from 74.2% in 2007 to 64% in 2010, this continued to be the highest rate for long-term unemployment in the EU-27. The employment rate in the Slovak Republic was also below the EU-27 average, it amounted to 58.8% in 2010, compared to 64.1 % for the EU-27. The above statistical information shows that despite relative economic growth, unemployment levels (the overall rate, as well as those of youth and long-term unemployment) remain comparatively high in the Slovak Republic.

Employment policy

The Committee notes from Eurostat that the activation rate in the Slovak Republic, that is, the number of persons taking part in an active measure as a percentage of the unemployed, was 15.6% in 2009. This was below the EU-27 average that year, which stood at 28.9%.

According to Eurostat, public expenditure on active labour market policies in the Slovak Republic amounted to 0.23 % of GDP in 2009, which is well below the average of the EU-27 countries (where the average public spending on active labour market measures as a percentage of GDP that year was 0.78%). Given the high level of unemployment in the Slovak Republic (14.4%), the extremely high long-term unemployment rate (64%), and very high youth unemployment rate (33.6%), the Committee considers that the employment policy effort measured by the level of expenditure on ALMP as well as the activation rate is inadequate. The Committee asks the next report to provide information on the outcome of any review of active labour market policies undertaken with a view to improving their effectiveness.

Conclusion

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 1§1 of the Charter on the ground that employment policy efforts have been inadequate in view of the persisting high levels of unemployment in a context of relative economic growth.

Paragraph 3 - Free placement services

The Committee recalls that in order to assess the effectiveness of employment services it looks at a number of performance indicators, such as the number of vacancies notified to employment services, the number of placements made by these services and the average length of time in filling vacancies. As the report contains no information on these matters, the Committee considers that there is nothing to show that employment services are operated in an efficient manner.

Conclusion

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 1§3 of the Charter on the ground that it has not been established that placement services operate in an efficient manner.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

Paragraph 1 - Safety and health regulations

The Committee notes that there is a legislative framework, which provides for an overall approach to occupational health and safety policy. However, the Committee repeats its request with regard to the changes introduced by Act No. 124/2006. It also asks the next report to clarify which, of the public health authorities or the labour inspection authorities, are responsible for monitoring the application by employers of the protective 5 obligations laid down by this law. It further asks for information on the activities implemented and the results obtained by the Conception.

The Committee repeats its request for information on the participation of workers' organisations in the Co-ordination Council on Occupational Safety and Health, and on the inspections carried out by KOZ SR inspectors. It also asks for information in the next report on the arrangements for consultation between employers and employees at company level. The Committee would alert the Government to the fact that if this information is not provided in the next report, it will not have the information it requires to establish that the situation in the Slovak Republic is in conformity with Article 3§1 of the Revised Charter.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Safety and health regulations

The Committee previously concluded (Conclusions XVIII-2 and XIX-2) that the protection of domestic staff, self-employed workers and home workers under the former legislation and regulations was in conformity with Article 3§1 of the 1961 Charter. It sought confirmation that the legislation and regulations enacted during the reference period also cover these categories of workers (Conclusions XIX-2). The report does not provide that information. Recalling that all workers, all workplaces and all sectors of activity must be covered by occupational health and safety regulations, the Committee again requests that the next report indicate whether domestic staff, self-employed workers and home workers are covered by the legislation and regulations currently in force, in particular Act No. 146/2006 and, where applicable, Act No. 355/2007. The Committee would alert the Government to the fact that if this question is not answered in the next report, it will not have the information it requires to establish that the situation in the Slovak Republic is in conformity with Article 3§2 of the Revised Charter.

Conclusion

The Committee concludes that the situation in Slovak Republic is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that agency and temporary workers and workers on fixed-term contracts enjoy the same standard than workers in permanent employment.

Paragraph 2 - Safety and health regulations – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31

October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by the Slovak Republic in response to the conclusion that it had not been established that agency and temporary workers and workers on fixed-term contracts enjoy the same standard as workers in permanent employment (Conclusions 2013, Slovak Republic).

The Committee recalls that under Article 3§2 of the Charter all workers, all workplaces and all sectors of activity must be covered by occupational health and safety regulations (Statement of interpretation on Article 3§2 (Article 3§1 of the 1961 Charter, Conclusions II)).

The report confirms that under Article 3 of the Labour Code (Act No. 311/2001 Coll.), the Fundamental Principles, all employees have the right to the occupational safety and protection of health at work. Moreover, pursuant to Article 48§7 of the Labour Code employees who are not employed for indefinite period of time shall not be discriminated in matters related to occupational safety and protection of health at work and are granted the same rights and obligations in these matters as employees working for indefinite period of time. The same applies for regular medical health examinations.

In addition, Section 2 of Act No. 124/2006 Coll. on Occupational Safety and Protection of Health at work stipulates that all categories of workers and employers fall under the scope of this act, therefore all workers and employers are granted the same standards.

Finally, the report states that training on issues related to occupational safety and health is provided to all employees irrespective of the type of contract upon their recruitment, as foreseen by Section 7§3 of Act No. 124/2006 Coll. on Occupational Safety and Protection of Health at Work.

The Committee asks whether any specific measures are taken to ensure protection of temporary workers against risks resulting from a succession of accumulated periods working for a variety of employers. It also wishes to receive up-dated information on work accident rates for the categories of workers concerned. Meanwhile, the Committee considers that the situation is in conformity with the Charter.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Slovak Republic is in conformity with Article 3§2 of the Charter as regards the equal treatment of agency and temporary workers and workers on fixed-term contracts.

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by the Slovak Republic.

This is the first time the Committee examines the enforcement of occupational health and safety regulations of the Slovak Republic under the Revised Charter.

Occupational accidents and diseases

The Committee previously concluded (Conclusions XVI-2, XVIII-2 and XIX-2) that the level of occupational accidents and diseases was in conformity with Article 3§2 of the 1961 Charter. It requested information on measures taken to reduce the high rate of injuries in the agriculture, hunting and forestry sector, and on the impact of such measures on cases of occupational disease in the mining sector (Conclusions XVIII-2 and XIX-2).

According to EUROSTAT data, the number of occupational accidents (excluding commuting accidents) decreased over the reference period (from 9 716 in 2008 to 7 011 in 2010), as did the incidence rate for such accidents (from 597.43 in 2008 to 475.23 in 2010). This rate is far

below the average observed in the EU-15 and the EU-27 (2 269.42 in 2008 and 1 582.71 in 2010). The number of fatal accidents also fell dramatically (from 45 in 2008 to 8 in 2010), as did the incidence rate for such accidents (from 4.55 in 2008 to 0.37 in 2010). Whilst at the beginning of the reference period, this rate was far above the average observed in the EU-15 and the EU-27 (2.36 in 2008 and 1.87 in 2010), it now fell far below that average. The report indicates that the number of recorded occupational accidents (from 7 116 in 2010 to 6 947 in 2011) and the number of fatal accidents (from 48 in 2010 to 39 in 2011) both decreased.

The report indicates 446 occupational diseases reported in 2011 (73 by labour inspection bodies and 373 by public health bodies), the best figure in the last 15 years. This figure should be compared to the cases of occupational disease listed in the Government's sixth report (405 in 2005 and 556 in 2007).

The Committee takes note of this information. It notes that agriculture, forestry and hunting have been replaced towards the end of the reference period by manufacturing, transport and warehousing as the sectors in which most frequent, most severe and fatal accidents occur. This is confirmed by EUROSTAT data. The Committee reiterates its request for information on the impact on occupational diseases of measures taken in the mining sector. It also asks for explanation on the extremely low incidence rate for occupational accidents, shown either by the report or EUROSTAT data, in comparison to the EU-27 average.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in the Slovak Republic is in conformity with Article 3§3 of the Charter.

Paragraph 3 - Enforcement of safety and health regulations – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by the Slovak Republic in response to the conclusion that it had not been established that everyone may receive by the competent services such advice and personal help as may be required to prevent, to remove or to alleviate personal or family want (Conclusions 2013, Slovak Republic).

The Committee recalls that Article 13§3 concerns specifically services offering advice and personal assistance to persons without adequate resources or at risk of becoming so (Conclusions XVI-2 (2003), Hungary). In its previous conclusion the Committee in particular pointed to the lack of information on the amount of total spending on social services covered by Article 13§3, on whether services and institutions are adequately distributed on a geographical basis and whether they are provided with sufficient means to provide assistance as necessary.

The report first of all confirms that under Act No. 448/2008 Coll. social advice and personal assistance are provided free of charge to ensure that persons without resources have access to these services. Social services are services in the public interest and are provided without profit. Secondly, the report states that as of 31 December 2012 38,263 persons (0.74% of the population) were provided with social services delivered by a total of 1,090 social services facilities established by a municipality, higher territorial units or by non-public providers. Long-term-care social services were provided to 35,293 persons in 915 facilities (facilities for the elderly, social services homes, specialised facilities, day-care centres, assisted living facilities, rehabilitation centres, care service facilities). The Committee asks that the next report contain information on the number and the qualifications of the staff working in these facilities as well as information on the various categories of beneficiaries served.

Out of the 1,090 social services facilities 401 facilities (37%) had been established by the self-governing regions, 263 facilities (24%) had been established by municipalities while non-public providers accounted for 426 facilities (39%). The Government is of the view these figures show that the geographical distribution of social services facilities is adequate. The Committee nevertheless asks how the facilities are distributed between the different regions and municipalities. It also wishes to know how the non-public providers are distributed in the territory.

Thirdly, the report states that the Government continuously attempts to increase the amount of resources that are used on social services. Thus, in 2013 the Ministry of Labour, Social Affairs and Family granted self-governing regions and municipalities a total of € 51,818,754 for co-financing social services, which marked a significant increase compared to 2012 where the amount granted was € 38,164,516. The Committee asks that the next report contain up-dated information in this respect.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Slovak Republic is in conformity with Article 13§3 of the Charter as regards advice and personal help.

Paragraph 4 - Occupational health services

The Committee notes that self-employed workers are provided access to occupational health services. It asks for information in the next report on the situation of domestic and home workers, as well as temporary and agency workers in this regard, and whether the preliminary health examination is carried out when rehiring temporary and agency workers. It also asks for information on any sectors, such as e.g. mining or various branches of the public sector, which might be excluded from the scope of such legislation. In view of the progressive nature of the requirement set out in Article 3§4 of the Revised Charter, the Committee further requests figures on the number of occupational physicians in relation to the labour force.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in the Slovak Republic is in conformity with Article 3§4 of the Charter.

Article 4 - Right to a fair remuneration – Conclusions 2014

Paragraph 1 - Decent remuneration

According to EUROSTAT data for 2012 (table “earn_nt_net”), average annual earnings of single workers with no children (100% of the average worker) were €9 810.00 gross and €7 573.82 net of social contributions and tax deductions; the gross monthly minimum wage (table “earn_mw_cur”) (full-time equivalent) was €327.00 (which is €3 924.00 per annum); and that wage as a proportion of the average earnings (table “earn_mw_avgr2”) was 36.7%.

The Committee notes that the UN Committee on Economic, Social and Cultural Rights (Concluding observations of 8 June 2012, §15) expressed the concern that, despite efforts in that regard, the minimum wage was not sufficient to ensure a decent standard of living for workers and their families.

The Committee points out that, to comply with Article 4§1 of the Charter, a decent wage must exceed the minimum threshold, set at 50% of the national net average wage.

The Committee asks that the next report update the data, and provide information on wages paid under standard collective agreements, such as the agreement in the metalwork industry. It

also asks for information on wages paid in atypical employment, such as family employment or home, domestic and seasonal employment.

Conclusion

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 4§1 of the Charter, on the ground that the minimum wage does not ensure a decent standard of living.

Article 8 - Right of employed women to protection of maternity – Conclusions 2015

Paragraph 1 - Maternity leave

Right to maternity leave

In its last conclusion (Conclusions XVI-2) the Committee found the situation regarding maternity leave as covered by the Labour Code to be in conformity with Article 8§1. The situation has remained unchanged in this respect. The Committee asks whether the same regime applies to women employed in the public sector.

Right to maternity benefits

As to maternity benefits, the Committee notes that the relevant legislation is now Act No. 461/2003 Coll. on Social Insurance. As under the previous Act (Act No. 88/1968), maternity benefits are available to employees covered by health insurance for at least 270 days in the two years preceding birth. Under the previous Act, periods of unemployment were taken into account when calculating the qualifying period of insurance. The Committee asks whether this is still the case under Act No. 461/2003. According to additional information from the authorities, maternity benefits correspond to 55% of the daily sickness insurance contribution base of the woman concerned. The Committee reiterates that benefits must be adequate and must be equal to the salary or close to its value (Conclusions XVII-2). Article 8§1 requires maternity benefit to be at least equal to 70% of the employee's previous salary (Latvia, Conclusions XVII-2). Therefore, the Committee cannot consider the situation to be in conformity in this respect. The Committee asks whether the same regime applies to women employed in the public sector.

Conclusion

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 8§1 of the Charter on the ground that maternity benefits are not of an adequate level.

Article 11 Right to protection of health – Conclusions 2013

Paragraph 1 - Removal of the causes of ill-health

In its previous assessment of Article 11, the Committee adopted a general question addressed to all States on the availability of rehabilitation facilities for drug addicts, and the range of facilities and treatments. As the report does not address this issue, the Committee requests that information be included in the next report. As regards the right to protection of health of transgender persons the Committee received submissions from the International Lesbian and Gay Association (European Region) (ILGA) stating that "in the Slovak Republic there is a requirement that transgender people undergo sterilisation as a condition of legal gender recognition". Moreover, it claims that "the authorities fail to provide adequate medical facilities for gender reassignment treatment (or the alternative of such treatment abroad), and to ensure that medical insurance covers, or contributes to the coverage of such medically necessary

treatment, on a non-discriminatory basis". In this respect, the Committee refers to its question on this matter in the General Introduction.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Advisory and educational facilities

As regards screening for diseases that constitute the principal causes of death, the report mentions a National Programme for the prevention of cardiovascular disease, aimed at reducing overall mortality due to this cause. In its last conclusion the Committee found that it had not been established that free screening was carried out systematically for illnesses responsible for high levels of early death (Conclusions XIX-2). It therefore asks if, besides the above-mentioned programme for cardiovascular diseases, there are also screening programmes for cancer, pneumonia and other major causes of mortality.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Prevention of diseases and accidents

The Committee also asks the next report to provide trends or statistics in respect of the consumption of alcohol, tobacco and drugs.

The Committee asks the next report to provide updated information on the state of laws on smoke-free environments, health warnings on tobacco packages, and tobacco advertising, promotion and sponsorship. In the meantime, it reserves its position on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

Risks covered, financing of benefits and personal coverage

The Committee also notes from the report under Article 12§2 of the Charter that in 2011 the personal coverage of sickness benefit stood at 75% while the replacement rate was 63.4%. As regards unemployment benefit, its coverage stood at 58.9% with the replacement rate of 61.2%. The personal coverage of old-age benefit stood at 81% and the replacement rate at 51.5%. Personal coverage of maternity benefit stood at 75% in 2011 whereas the replacement rate was 78%. As to the personal coverage, the Committee notes that unemployment benefit has the lowest personal coverage and the number of persons in employment who are not insured against this risk is high. The Committee asks whether insurance against this risk is optional for the employee. It also asks whether those persons (around 268 000 persons in 2011, according to the report under Article 12§2) who are not ensured against sickness under the social security system, have any other income replacement safeguard against this risk. Pending receipt of replies to these questions, the Committee reserves its position on the issue of personal coverage.

Adequacy of the benefits

The Committee notes from Eurostat that, in 2009, the poverty threshold set at 50% of median equivalised income stood at €263. In its previous conclusion, the Committee asked for detailed

information regarding the minimum levels of income replacement benefits. It notes from the Governmental Committee's report that in 2009 the minimum amount of sickness benefit calculated on the basis of the daily assessment base, which itself is derived on the basis of the minimum wage, amounted to €142.8, while the minimum amount of unemployment benefit stood at €129.2. As regards minimum pension benefit, according to the report of the Governmental Committee, in 2009 it amounted to €73.5. The Committee holds that these amounts were manifestly inadequate in 2009 on the basis that they fell below 40% of the median equivalised income. The Committee requests that the next report provide up-to-date information for the whole reference period on the minimum amounts of sickness, maternity, unemployment and old-age benefits.

The Committee notes from MISSOC that only 50% of the sickness benefit is paid if the sickness has been a consequence of alcohol or drug abuse. It considers that linking entitlement to sickness benefit to the nature and origin of sickness is a punitive measure and cannot be justified. It amounts to discrimination in the meaning of Article E (health status). Therefore, the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Slovak Republic is not in conformity with Article 12§1 of the Charter on the grounds that: • the minimum level of unemployment benefit is inadequate;

- the minimum level of sickness benefit is inadequate;
- the minimum level of maternity benefit is inadequate;
- the minimum level of pension benefit is inadequate;
- the ground on which sickness benefit can be reduced is discriminatory.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security

The Committee notes that the Slovak Republic had ratified, in addition to Convention No. 102, the 1967 Invalidity, Old Age and Survivors' Benefits Convention No. 128 and the 1969 25 Medical Care and Sickness Benefit Convention No. 130. As a result, the commitments entered into by the Slovak Republic cover a larger number of fields than necessary for the ratification of the European Code of Social Security. It results from all these elements that the social security system is at a satisfactory level, at least equal to that necessary for the ratification of the European Code of Social Security.

Conclusion

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 12§2 of the Charter.

Paragraph 3 - Development of the social security system

The report states that the social insurance system is being developed and reformed. The Committee notes that the report does not contain any information on developments in the social security system, such as expansion of schemes, protection against new risks or increase of benefits. The Committee requests that the next report provide information on all amendments introduced in the framework of the reform.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Level of benefits

To assess the situation during the reference period, the Committee takes account of the following information:

- Basic benefit: according to MISSOC the basic benefit (benefit in material need) varies according to the family composition and is calculated as the difference between the income of the individual and the theoretical base amount of benefit in material need, i.e. €60.50 for a single person without children and up to €212.30 for couples with more than five children.
- Additional benefits: different other benefits apply as components of benefit in material need, including housing benefits, which for a single person amounted to €55.80. An additional allowance of €63.07 was available for those following a back-to-work programme (activation allowance) or those not in a condition to work (protecting allowance – for people of pensionable age, disabled, long-term sick, caring for a disabled person or single parents caring for a child up to the age of 31 weeks). €2 was paid in allowance for healthcare. The Committee notes from MISSOC that the monthly maximum amount of supplementary benefits for a single person with no other income amounted to €120,87.
- Medical assistance: according to the law No. 576/2004 Coll. on healthcare, the right to healthcare is guaranteed to all people domiciled or working in the Slovak Republic (contracted doctors are paid by the health insurance institutions).
- Poverty threshold (defined as 50% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value): it was estimated at €263 in 2011.

In the light of the above data, the Committee considers that social assistance benefits are not adequate, on the basis that the minimum level of assistance that may be obtained is not compatible with the poverty threshold.

Conclusion

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 13§1 of the Charter on the ground that the level of social assistance paid to a single person without resources is manifestly inadequate.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

The report refers to the principle of equal treatment (Article 12 of the Constitution), providing that "human rights are guaranteed to every individual regardless of sex, race, skin colour, language, belief, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, lineage or any other status. No person shall be denied their legal rights, discriminated against or favoured on any of these grounds". The Anti-Discrimination Act (No. 365/2004) also contains similar provisions.

Conclusion

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 13§2 of the Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee notes that the report does not provide any reply to the questions repeatedly raised in previous conclusions (Conclusions XVIII-1 and XIX-2) on the amount of total spending on social services covered by Article 13§3, on whether services and institutions are adequately distributed on geographical basis and whether they are provided with sufficient means to

provide assistance as necessary. It notes however from another source (Ministry of Labour, Social Affairs and Family website) that spending on social assistance was reported in 2008 to be particularly low, compared to the EU average. In the absence of the information requested, the Committee does not find it established that everyone may receive by the competent services such advice and personal help as may be required to prevent, to remove or to alleviate personal or family want.

Conclusion

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 13§3 of the Charter on the ground that it is not established that everyone may receive by the competent services such advice and personal help as may be required to prevent, to remove or to alleviate personal or family want.

Paragraph 3 - Prevention, abolition or alleviation of need – Conclusions 2015

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee takes note of the information submitted by the Slovak Republic in response to the conclusion that it had not been established that everyone may receive by the competent services such advice and personal help as may be required to prevent, to remove or to alleviate personal or family want (Conclusions 2013, Slovak Republic).

The Committee recalls that Article 13§3 concerns specifically services offering advice and personal assistance to persons without adequate resources or at risk of becoming so (Conclusions XVI-2 (2003), Hungary). In its previous conclusion the Committee in particular pointed to the lack of information on the amount of total spending on social services covered by Article 13§3, on whether services and institutions are adequately distributed on a geographical basis and whether they are provided with sufficient means to provide assistance as necessary.

The report first of all confirms that under Act No. 448/2008 Coll. social advice and personal assistance are provided free of charge to ensure that persons without resources have access to these services. Social services are services in the public interest and are provided without profit. Secondly, the report states that as of 31 December 2012 38,263 persons (0.74% of the population) were provided with social services delivered by a total of 1,090 social services facilities established by a municipality, higher territorial units or by non-public providers. Long-term-care social services were provided to 35,293 persons in 915 facilities (facilities for the elderly, social services homes, specialised facilities, day-care centres, assisted living facilities, rehabilitation centres, care service facilities). The Committee asks that the next report contain information on the number and the qualifications of the staff working in these facilities as well as information on the various categories of beneficiaries served.

Out of the 1,090 social services facilities 401 facilities (37%) had been established by the self-governing regions, 263 facilities (24%) had been established by municipalities while non-public providers accounted for 426 facilities (39%). The Government is of the view these figures show that the geographical distribution of social services facilities is adequate. The Committee nevertheless asks how the facilities are distributed between the different regions and municipalities. It also wishes to know how the non-public providers are distributed in the territory.

Thirdly, the report states that the Government continuously attempts to increase the amount of resources that are used on social services. Thus, in 2013 the Ministry of Labour, Social Affairs and Family granted self-governing regions and municipalities a total of € 51,818,754 for co-

financing social services, which marked a significant increase compared to 2012 where the amount granted was € 38,164,516. The Committee asks that the next report contain up-dated information in this respect.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Slovak Republic is in conformity with Article 13§3 of the Charter as regards advice and personal help.

Article 14 - Right to benefit from social services – Conclusions 2013

Paragraph 1 - Promotion or provision of social services

Social services are financed by the municipalities and the autonomous regions and, since 1 March 2012, through state grants to municipalities and private service providers. The Committee asks how much is spent on social services in total. It also asks how many beneficiaries of social services there are and how many people in total are employed by them.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in the Slovak Republic is in conformity with Article 14§1 of the Charter.

Paragraph 2 - Public participation in the establishment and maintenance of social services

According to the additional information provided by the Government, there is close co-operation between the State, non-governmental organisations and social service providers during the preparation of important documents such as strategies, national projects and amendments to the Social Services Act. In practical terms, co-operation takes the form of specialised working groups, seminars, conferences and meetings. The Committee asks whether measures are taken to encourage user consultation when devising social service-related policies.

Conclusion

The Committee concludes that the situation in the Slovak Republic is in conformity with Article 14§2 of the Charter.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community – Conclusions 2012

Paragraph 1 - Vocational training for persons with disabilities

Vocational training

In its previous conclusion (Conclusions XIX-1 (2008)), the Committee asked for information on:

- the number of places at vocational training facilities, including special facilities;
- the extent to which the training offer matches the demand;
- the number of persons with disabilities attending vocational training, including higher education, and the other forms of special training available;
- whether training facilities are available for adults living in institutions.

Since the report does not provide information on these issues, the Committee reiterates its questions and concludes that, in the absence of this information, it is not established that the right of persons with disabilities to mainstream training is effectively guaranteed.

Conclusion

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 15§1 of the Charter on the ground that it has not been established that the right of persons with disabilities to mainstream education and training is effectively guaranteed.

Paragraph 2 - Employment of persons with disabilities

Anti-discrimination legislation

The report makes only reference to Section 63 of Act No. 5/2004 Coll., which provides that "the employer is obliged: a) to ensure that disabled citizens in their employment have suitable conditions for performing their work," Given this lack of information, the Committee again asks the next report to provide the relevant information.

In view of the absence of answers to all these questions, the Committee considers that it has not been established that there exists an effective anti-discrimination legislation.

Measures to encourage the employment of persons with disabilities

In its previous conclusion (Conclusions XIX-1 (2008)), the Committee asked to be informed on the measures introduced that permits the integration of persons with disabilities into the ordinary labour market and the rate of progress into it. The report does not make reference to such measures, therefore the Committee reiterates its questions. The Committee asked whether the jobs created following the new support project dated 2005 were in the open labour market or whether they were protected forms of employment. Given the lack of information on this issue, the Committee reiterates its question.

In view of the absence of answers to all these questions, the Committee does not consider that an effective equal access to employment is guaranteed.

Conclusion

The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 15§2 of the Charter on the following grounds:

- it has not been established that there is effective anti-discrimination legislation;
- it has not been established that persons with disabilities are guaranteed an effective equal access to employment.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2015

Economic protection of families

Family benefits

According to Eurostat data, the monthly median equivalised income in 2013 was €561. According to MISSOC, the monthly amounts of child benefit was €23.52, that is 4.1% of the monthly median equivalised income.

The Committee considers that, in order to comply with Article 16, child benefit must constitute an adequate income supplement, which is the case when they represent a significant percentage of the monthly median equivalised income. On the basis of the figures indicated, the Committee considers that the situation is not in conformity with the Charter on the ground that the level of child benefit does not constitute an adequate income supplement.

Vulnerable families

The Committee reiterates its question concerning the measures taken to ensure the economic protection of Roma families. Should the next report not provide the requested information, there will be nothing to show that the situation is in conformity on this ground.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

In its previous conclusion (Conclusions 2011) the Committee found that the situation was not in conformity with the Charter on the ground that entitlement to childbirth allowance and childminding allowance was subject to an excessive length of residence requirement.

As regards childminding allowance, the report indicates that the situation has changed, in that permanent residence permit is no longer required to apply for the allowance. The applicant to this allowance may reside in the country on the basis of a temporary residence permit. The situation has therefore been brought into conformity in this respect.

The Committee asks the next report to indicate whether stateless persons and refugees are treated equally with regard to childminding allowance.

However, concerning childbirth allowance, the report states that to be able to apply for it without a permanent residence permit the applicant must fulfil one of these conditions:

- be a citizen of a state that is member of the European Union, European Economic Area or the Swiss Confederation; or
- be a citizen of a state which has a bilateral agreement on social security with the Slovak Republic; or
- be granted refugee status.

In view of these specific conditions, the Committee considers that not all foreign nationals of States Parties are treated equally with regard to childbirth allowance. It therefore finds that the situation is not in conformity with the Charter.

The Committee asks the next report to indicate whether stateless persons are treated equally with regard to childbirth allowance.

Conclusion

The Committee concludes that the situation in Slovak Republic is not in conformity with Article 16 of the Charter on the grounds that:

- the right to housing of Roma families is not effectively guaranteed;
- it has not been established that associations representing families are consulted when family policies are drawn up;
- it has not been established that mediation services exist;
- the level of child benefits does not constitute an adequate income supplement;
- equal treatment of nationals of States Parties regarding the payment of childbirth allowance is not ensured.

Article 23 - Right of the elderly to social protection – Conclusions 2013

The material need benefit (€ 60.50/month for a single person) is a means-tested benefit provided to persons residing or staying in the Slovak Republic who are in a situation of material need, i.e. their income is lower than the subsistence minimum. Old-age pensioners may also be granted a protective allowance (€ 63.07/month) together with the basic benefit upon satisfaction of the conditions for payment of material need benefit. Pensioners are also entitled to an allowance for healthcare (€ 2/month) and are paid a housing allowance which is part of the material need assistance system (€ 55.80 for a single person in material need). The Committee asks for clarification to what extent the benefits described can be cumulated. The poverty threshold, defined as 50% of median equivalised income and as calculated on the basis

of the Eurostat at-risk-of-poverty threshold value was estimated at € 263 in 2011 (the threshold defined on the basis of 40% of the median equivalised income was € 210 per month). The Committee observes that the level of subsistence minimum falls below 40% of the median equivalised income as do the rates of material need benefit, protective allowance benefit and housing allowance even when cumulated. Therefore the Committee concludes that the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Slovak Republic is not in conformity with Article 23 of the Charter on the ground that the level of social assistance for elderly persons with low income is manifestly inadequate.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment – Conclusions 2015

Paragraph 1 - Participation in working life

Conditions of employment, social security

In reply to the Committee's question, the report states that according to Article 164§ 2 of the Labour Code if either parent, continuously caring for a child younger than 15 years of age requests a reduction in working time or other arrangements to the fixed weekly working time, the employer shall be obliged to accommodate their request, unless there are substantive operational reasons not to do so.

In its previous conclusion the Committee asked to what extent periods of leave due to family responsibilities were taken into account in determining the right to pension and for calculating the mount of pension, both for women and men. It notes from the report in this respect that workers with family responsibilities are entitled to social security benefits under different schemes, in particular health care, during periods of parental leave. They are also covered by pension insurance. Both maternity and parental leaves are taken into account for determining the right to pension, equally for women and men. The parent concerned should submit a registration form to have the pension contribution paid by the state to the Social Insurance company before going on leave.

In reply to the Committee's question, the report states that according to Article 141§1 of the Labour Code an employer shall excuse the absence from work of an employee for periods of the employee's temporary incapacity to work due to disease or accident, periods of maternity leave and parental leave, quarantine, attending to a sick family member, during periods of caring for a child younger than ten years of age who for substantive reasons may not be in the care of a children's educational facility or school which the child is otherwise in the care of, or if the person who otherwise cares for the child fell ill or was ordered to submit to quarantine (quarantine measures), or who underwent examination or treatment in a medical facility.

According to Section 36§1a of the Act 461/2003 Coll. on Social Insurance an employee is entitled to wage compensation from the system of social insurance if he/she is looking after a sick child, spouse, parent or spouse's parent. An employee is also entitled to wage compensation from the system of social insurance if they are looking after a child younger than ten years of age who for substantive reasons may not be in the care of a children's educational facility or school which the child is otherwise in the care of (if the facility is closed down e.g. due to quarantine, etc.).

Child day care services and other childcare arrangements

In its previous conclusion the Committee asked about the qualification of staff in childcare facilities. It notes that all kindergartens are established by municipalities and they act as individual institutions and decide on acceptance or rejection of each individual application. As for the staff, their training is regulated by the Decree of the Ministry of Education No 437/2009, laying down the qualification requirements for different categories of teaching staff and specialists.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Slovak Republic is in conformity with Article 27§1 of the Charter.

Article 30 - Right to be protected against poverty and social exclusion – Conclusions 2013

Measuring poverty and social exclusion

The report contains no information as to methodology and indicators used to measure poverty and social exclusion or the respective results. The Committee therefore asks that next report contain information as to above. The Committee notes from Eurostat that in 2011, 20.6% of population was at risk of poverty and social exclusion, which rate stands below the average indicator of the EU countries (23.4%).

Approach to combating poverty and social exclusion

The Committee notes that the measures related to Europe 2020 strategy fall out of the scope of the reference period and asks to be updated in the next report about the progress and the achieved results.

Monitoring and assessment

The report contains no information as to the institution/s responsible for monitoring and assessment of poverty and social exclusion, their respective functions and results to this purpose. The Committee therefore asks that next report contain information as to the above.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

3. ILO Conventions

Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) - Slovakia (Ratification: 1993) – due in 2016

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

With reference to its previous direct request, the Committee notes the information provided in the Government's report of November 2012 concerning the application of *Articles 16, 17 and 29 of the Convention*. ***It would be grateful if the Government's next report would explain how the right of complaint and appeal in pension matters (Article 34) is applied in national law and practice.***

Medical Care and Sickness Benefits Convention, 1969 (No. 130) - Slovakia (Ratification: 1993) – due in 2016

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

With reference to its previous direct request, the Committee notes the information provided in the Government's report of November 2012 concerning the application of *Articles 10, 19 and 22 of the Convention*. It trusts that the Government will not fail to respond at its earliest convenience to other matters raised in its previous requests.

Article 7. Degree of incapacity to work. *Please indicate whether under national legislation the entitlement to sickness benefit requires a minimum degree of incapacity for work.*

Article 13. Nature of the care. *Please indicate the applicable legal provisions which give effect to Article 13(a) on domiciliary care and Article 13(b), (c) and (e).*

Article 17. Sharing in the cost of medical care. *Please indicate the extent to which the beneficiary or the beneficiary's breadwinner is required to share the cost of the medical care received and what measures have been taken to ensure that cost sharing avoids hardship and does not prejudice the effectiveness of medical and social protection.*

Article 27. Funeral allowance. *Please indicate whether the amount of the funeral allowance provided by the legislation is sufficient in relation to the real cost of funerals.*

Article 28. Suspension of benefits. The Committee notes from the Government's report that benefits are reduced by half in the event work incapacity results from alcohol consumption or abuse of drugs. ***Please indicate how this provision is being applied in practice and the number of cases where the benefits have been reduced for such reasons.***

Article 29. Right of appeal and complaint. *Please indicate how this Article is applied in national law and practice.*

Article 32. Equal treatment. *Please provide detailed information on the legislation and procedures available to ensure access to medical care for non nationals.*

Maternity Protection Convention, 2000 (No. 183) - Slovakia (Ratification: 2000) - due in 2018

Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

The Committee notes that the Government's report does not follow the report form but reproduces the provisions of the legislation without replying to the Committee's previous direct request. It hopes that the Government will provide, in its next report, full information on the following questions:

Article 2(1) of the Convention. Scope. *Please explain how maternity protection is provided, in particular, to women working under fixed-term employment contracts and in atypical forms of salaried work such as home work, telework, temporary work, etc.*

Article 6(1). Conditions governing the right to cash benefits. The Committee notes that section 48(1) of the Act on Social Insurance provides that employed women who are pregnant or who take care of a new-born infant are entitled to maternity allowance. *The Committee asks the Government whether a woman whose child has not survived or who has given birth to a live child but for some reason does not take care of her child, is also entitled to maternity allowance.*

Article 6(3). Level of cash benefits. The Committee notes that section 53 of the Act on Social Insurance provides that the amount of the maternity allowance is 65 per cent of the basic daily assessment. *The Committee would like the Government to explain to what extent this provision gives effect to Article 6(3) of the Convention, according to which the maternity benefit should be calculated on the basis of previous earnings and represent at least two-thirds of those earnings (66.6 per cent).*

Article 6(5) and (6). Benefits paid where the qualifying conditions are not satisfied. The Committee notes that a woman worker, who fails to satisfy the conditions for the award of maternity allowance *before* childbirth, may be certified by an attending physician to be temporarily incapacitated for work and granted sickness allowance. The Government also states that there are no qualifying conditions to be met in order to be entitled to this allowance. *Please indicate whether, in accordance with the provisions of the Convention, means-tested or other adequate cash benefits such as parental benefits, as the case may be, are also paid in the period after childbirth to women workers who do not meet the conditions to qualify for cash benefits.*

Article 8(1). Burden of proof in case of termination of employment. *The Committee requests the Government to identify the legal provisions ensuring that in the event of termination of an employment relationship with a pregnant woman, a woman on maternity leave or taking care of a child under 3 years of age, the burden of proving that the reasons for the dismissal are unrelated to pregnancy or child birth rests on the employer.*

Article 9(1). Maternity-based discrimination. *Please identify the sanctions applicable in case of discrimination based on maternity, as well as the number of violations recorded and penalties applied.*

Workmen's Compensation (Accidents) Convention, 1925 (No. 17) – Slovakia (Ratification:1993) - due in 2016

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 5 of the Convention. Compensation in the form of a lump sum. Referring to its previous comment, the Committee notes with *interest* the Government's indication that the monitoring of the utilization of lump sum payments allocated to victims of employment accidents suffering between 10 and 40 per cent loss of capacity is carried out by the social insurance fund, in accordance with *Article 5* of the Convention. ***The Government is requested to indicate in its next report how this monitoring is carried out in practice.***

Article 9. Medical aid reimbursement ceiling. The Committee notes that, in accordance with sections 100(1) and (2) of the 2003 Social Insurance Act, employment accident victims benefit, up to a ceiling of €23,242, from the reimbursement of care arising out of the consequences of an employment accident or occupational disease, as recommended by a medical specialist, where such care is not covered by compulsory social insurance. ***The Committee requests the Government to provide further information on the number and nature of cases in which this provision has been used in practice.***

Article 10. Supply and renewal of necessary artificial limbs and surgical appliances. The Government indicates that Act No. 140/1998 on medication and medical appliances gives effect to this provision of the Convention. ***The Committee would be grateful if the Government would provide a copy, in translation if possible, of the relevant provisions in this regard.***

4. EU Country-Specific Recommendations: 2015

(the numeration of comments is kept in accordance to the original)

The European Union has set up a yearly cycle of economic policy coordination called the European Semester in 2010. Under the European Semester, the European Commission was given a mandate by Member States to check whether they take action on reform commitments they have made at EU level. The European Semester starts when the Commission adopts its Annual Growth Survey which sets out EU priorities to boost job creation and growth for the next year.

Each year, the Commission undertakes a detailed analysis of EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with the country-specific recommendations basing its decision on the submitted by each country National Reform Programme and Stability Programme. These recommendations provide tailor-made policy advice to Member States in areas deemed as priorities for the next 12-18 months. The European Council endorses the recommendations after the discussion.

Where recommendations are not acted on within the given time-frame, policy warnings can be issued. There is also the option of enforcement through incentives and sanctions in the case of excessive macroeconomic and budgetary imbalances.

Council Recommendation of 14 July 2015 on the 2015 National Reform Programme of Slovakia and delivering a Council opinion on the 2015 Stability Programme of Slovakia (2015/C 272/03) (18.08.2015, C 272/10, Official Journal of the European Union).

[*Official Website of the European Commission*](#)

(9) The labour market showed signs of recovery in 2014, but unemployment remains high. Disincentives in the social security system have been reduced and some progress has been made towards reducing youth unemployment, but long-term unemployment remains a major challenge and employment among Roma and the low-skilled is low. Although some initial steps have been taken to improve public employment services, they have limited capacity to provide personalised services, in particular to those furthest from the labour market. The employment rate for women remains well below the EU average, reflecting the insufficient provision of good quality and affordable childcare services and the relatively long duration of parental leave.

(12) While the recent changes to the taxation system have contributed to an improvement in public finances, the costs associated with an ageing population will weigh on Slovakia's currently relatively sound debt position in the future. The long-term sustainability of public finances depends on the Government's ability to increase the costeffectiveness of the healthcare

sector. The overall level of efficiency of the Slovak health system is weak, and it performs poorly when compared with the rest of the EU. The Government adopted a new strategy for health for 2014-2020, in order to try to address the shortcomings of the national healthcare system. The strategy is being implemented, but most measures are not yet in force. There also continue to be inefficiencies in tax collection and administration.

HEREBY RECOMMENDS that Slovakia take action in 2015 and 2016 to:

1. Improve the cost-effectiveness of the healthcare sector, including by improving the management of hospital care and strengthening primary healthcare. Take measures to increase tax collection.
2. Take additional measures to address long term unemployment by improving activation measures, second chance education and introducing high-quality training tailored to individuals' needs. Improve the incentives for women to remain in or return to employment by improving the provision of childcare facilities.