

SLOVAKIA

CESCR E/1987/28

150. The Committee considered the second period reports of Czechoslovakia under articles 6 to 9 (E/1984/7/Add.25) and under articles 10 to 12 (E/1986/4/Add.15) at its 12th to 15th meetings, held on 16 to 18 March 1987 (E/C.12/SR. 12-15).

151. In his introduction of the reports, the representative of the State party pointed out the mutually re-enforcing relationship between the realization of economic, social and cultural rights on one hand and the socialist conception of development and of just, centralized distribution of resources on the other. The enjoyment of human rights, the full development of human capacities for all citizens and their active participation in the economic and public life of the country, he said, were guaranteed by the Constitution of Czechoslovakia and in her legislation as well as through the appropriate mechanisms and plans of action for concrete measures to this end. In this context, the representative referred to a document entitled "The Social and Economic Strategy till the year 2000", which the XVIIth Congress of the Communist Party had adopted, establishing the policies for raising the standard of living and improving conditions of work. He also drew attention to restraints imposed, such as the limits of available national resources, as well as external factors resulting from the international political tensions, the arms race and unequal trade relations.

General observations

152. Members of the Committee congratulated the representative of the State party on the quality and thoroughness of the reports, which had been submitted prior to the deadline, and praised the extensive efforts made for implementing Covenant provisions. Members of the Committee noted the absence of any indication of difficulties encountered in fulfilling obligations under the Covenant and observed that reports by the State party which had been submitted to ILO and to which the report of Czechoslovakia referred (E/1984/7/Add.25, para. 14) were not available to the Committee. In response the representative of the State party offered to provide the relevant document references.

153. As to the content of the reports, several members referred to Czechoslovakian accomplishments in the field of economic, social and cultural rights, including information concerning, inter alia, the eradication of illiteracy and unemployment. In discussing the reports as a whole, information of a general nature was requested about equality between the sexes, and about the relative competence of the two constituent republics of Czechoslovakia and of the Socialist Republic in respect of labour and social security legislation.

154. In his reply, the representative of the State Party quoted provisions of the national Constitution stipulating equality before the law of all citizens, regardless of nationality, race or sex. Men and women must enjoy the same conditions in the family, at work and in public activities. With regard to the competences of the Federation and the two constituent republics, he said that

this subject is covered by a special chapter of the Constitution of Czechoslovakia which refers to the division of jurisdiction between the Federation and the republics.

Article 6: Right to work

155. With reference to article 6 of the Covenant, questions were raised concerning assistance given to workers in search of new employment, for example as a result of the introduction of new technologies, the remedies available to workers in the event of summary dismissals or other unjustified termination of contracts; and about workers' freedom of choice, in particular that of women, when seeking, or avoiding, new employment. In connection with some of these questions and those put with regard to article 8, references were made to recent observations by the ILO Committee of Experts on the Application of Conventions and Recommendations with respect to the ILO Convention of 1958 concerning Discrimination in Respect of Employment and Occupation (Convention No. 111), and on the Committee's observations on the provision of the Czechoslovak Penal Code on parasitism. In particular the principles underlying the dismissal of workers who had signed or supported the so-called "Charter 77" declaration were questioned.

156. The representative of the State party, in response, described the training and other assistance provided to workers looking for jobs. As to dismissals, he described the relevant sections of the Labour Code which list the exact reasons for which notices can be given and the procedures leading thereto; in cases of non-compliance, the workers concerned have access to the courts. He stated that his country judged it necessary to protect women from exposure to certain work conditions, because of their social functions as mothers, and that such protection was considered compatible with the principles of sex equality. With regard to systematic avoidance of work, or parasitism, he observed that the Penal Code was being revised and this concept would eventually be redefined.

157. With respect to the 1985 report of the ILO Committee of Experts the representative stressed that the Committee was a technical body of ILO and reflected only one part of the views of the International Labour Office. The appropriate reference document in this regard is the report of the ILO Conference which is the supreme organ of ILO. It was stated that that report contained no indication of violations of Convention No. III by Czechoslovakia.

Article 7: Right to just and favourable conditions of work

158. It was noted that the rate of industrial injuries had dropped from nearly 5 per cent in the 1970s to under 3 per cent in 1983 and an explanation was sought of the higher rate. Similarly, information was requested concerning rest and holiday pay. Clarifications were also sought as to the reasons for the relatively low wages of workers in the cultural, scientific and development sectors who were normally expected to have the highest qualifications; as to the extent of profit-sharing as a form of income; as to the ready availability to workers of wage regulations and the role of workers, unions and management in their formulation; and as to the measures taken to ensure health and safety in the workplace.

159. In replying to questions raised, the representative of the State party provided up-to-date

figures of the rate of industrial injuries and occupational diseases, confirming the downward trend indicated in the report. As to the relative frequency, he explained that all accidents, including minor ones, leading to more than one day of absence from work were recorded in the statistics. Normally, a working week consisted of 5 working days and a total of 40 to 42 hours. Wages paid during official holidays were 50 per cent higher during ordinary holidays and 100 per cent extra for official holidays. The wage range between various categories of workers was analytically based on criteria relating to skills, knowledge, experience, responsibilities, and physical and mental effort, with wages also reflecting labour market forces so that occupations involving danger, dirty conditions or distance covered brought higher income. There was also a linkage in the economic sector between remuneration and the output of enterprises, as evidenced by the phenomenon of profit-sharing which could reach up to 40 per cent of salaries, with collective agreements; consequently the trade unions played an important role in determining and implementing that policy. As to the publication of wage scales, the representative explained that basic wages were published while the remainder was subject to negotiation between the trade unions and individual enterprises.

Article 8: Trade-union rights

160. With reference to the activities of trade unions, further information was requested about the positive legal basis for the establishment of such unions; the importance of voluntary associations; the right to strike and the frequency of strikes, particularly in light of the relevant ILO Conventions to which Czechoslovakia was a party; and the participation by trade unions in management at the legal and practical levels. It was noted that there was one single trade union in Czechoslovakia and members of the Committee wished to know whether any practical or legal difficulties might be encountered by individuals or groups seeking to establish other unions. With respect to the recent sentencing of the leaders of the Czech Jazz Association on charges of illegal commerce further information was sought as to the criteria by which artistic or commercial activities were judged to be illegal. Further information was also sought as to the level of women's participation in trade-unions.

161. Responding, the representative of the State party stated that workers had full rights through membership in such bodies as, inter alia, the Revolutionary Trade Union Movement, co-operative organizations, and sports and cultural associations. Since 1973, the statutes of such organizations did not have to be submitted to the Government for approval. The Movement played a significant role in shaping and implementing national economic, technological and social plans through participation in high-level government meetings and for the purposes of collective bargaining at all stages of the process. Although there were no formal regulations relating to the right to strike, the representative stated that this did not imply that strikes were prohibited, strikes did in fact occur, mostly in connection with remuneration and working conditions, but they did not involve opposing interests as in other countries. In response to the question posed concerning the trial of jazz musicians it was noted that the musicians in question had been prosecuted for the sale of works of art without a licence, which was recognized as an offence in most countries throughout the world.

Article 9: Right to social security

162. With reference to social security, information was requested as to, *inter alia*, the relative role of the State and trade unions in shouldering the burden. The question was also raised whether free medical care was extended, for example, to hospitalization and medicines.

163. The representative of the State party informed the Committee that all social security benefits were financed by the State and that there were no private or independent social security schemes. He explained further that health care was provided free of charge to all citizens, for foreigners working in the country and in some cases to tourists, the only exceptions being treatment for cosmetic purposes or that requiring costly materials.

Article 10: Protection of the family, mothers and children

164. With reference to article 10, questions were raised and explanations sought about laws regulating marriage and the termination thereof, including the rules about the marriages of minors aged 16 to 18; about the importance of State savings banks and of State subsidies in the granting of loans to young married couples; about the employment of minors; and about the levels of benefits for children and the elderly.

165. The representative of the State party confirmed the decline in marriages and increase in divorces, a phenomenon common to many countries, and indicated some of the reasons. He explained that minors over 16 could apply directly to the courts for permission to marry if the contract of marriage was in keeping with its social purpose, that is the foundation of a family. With reference to the inquiry about the employment of minors, the representative observed that there was nothing contradictory in the matter of contracts of employment and compulsory education up to the age of 16, but young workers were subject to especially close supervision with some types of work being expressly forbidden for adolescents. As to the care of elderly persons, it was explained that Czechoslovakia had a low retirement age, 60 for men and an average of 55 for women, which required extensive services already provided by the Government in addition to pension rights. The State representative also provided detailed information about divorce laws, including measures employed to assist couples in such situations, about loans available to young couples; and about the exact recipients of child benefits.

Article 11: Right to an adequate standard of living

166. In connection with the discussion of the report under article 11, explanations were requested concerning the difference between the terms “personal use”, “personal ownership” and “renting” of dwellings (E/1986/4/Add.15, para. 137); as to the classification of dwellings into categories; the criteria and procedures for distribution of State-built apartments, and the availability of State loans or other support to individuals for the construction of their own apartments. With regard to the report’s information on food production and food distribution, disappointment was expressed that, although the report dealt with co-operation with FAO, it did not contain references to bilateral co-operation to overcome poverty in many parts of the world.

167. The representative of the State party, in his reply, stated that Czechoslovakia was an active contributor towards both multilateral and bilateral co-operation between countries. He emphasized free technical training and university education offered to students from the Third

World. He provided extensive information and statistics about State-owned, locally administered, co-operative and privately-owned housing units and dwellings, as well as about available loans and other assistance. The list of applicants for housing units was drawn up on an objective basis, with priority being given, inter alia, to people rendered homeless by emergencies and to young couples.

Article 12: Right to physical and mental health

168. The extensive data on health conditions and water resources and pollution control, provided in the report, was said to attest to the scientific approach applied by Czechoslovakia in matters relating to the implementation of article 12.

169. In concluding the consideration of the report, the Chairman thanked the representative of the State party for having co-operated with the Committee in a spirit of constructive dialogue and with the common objective of implementing the rights recognized in the Covenant.

CESCR E/2003/22

306. The Committee considered the initial report of Slovakia on the implementation of the Covenant (E/1990/5/Add.49) at its 30th to 32nd meetings, held on 12 and 13 November 2002, and made public, at its 56th meeting, held on 29 November 2002, the following concluding observations.

Introduction

307. The Committee welcomes the submission of the initial report of the State party, which was prepared generally in conformity with the Committee's guidelines.

308. The Committee notes with appreciation the comprehensive written and oral replies given by the State party, as well as the open and candid constructive dialogue with the delegation, which included a number of government officials with expertise on the subjects relevant to the provisions of the Covenant. The Committee also welcomes the willingness of the delegation to provide further information in writing concerning the questions that could not be answered during the dialogue.

Positive aspects

309. The Committee welcomes the amendment to article 7, paragraph 5, of the Constitution of the Slovak Republic, pursuant to which the Covenant takes precedence over domestic law and may be invoked before the courts.

310. The Committee commends the State party for establishing the institution of an Ombudsman in 2001 and for electing the first Ombudsman in March 2002.

311. The Committee notes with appreciation the emergence of Slovakia as a donor country for development assistance.

312. The Committee welcomes the establishment in 1996 of the Coordination Committee for Women's Issues and in 1999 of the Department of Equal Opportunities.

Factors and difficulties impeding the implementation of the Covenant

313. The Committee notes that the State party has encountered difficulties in implementing the economic, social and cultural rights contained in the Covenant arising from the process of transition to a market-oriented economy.

Principal subjects of concern

314. The Committee is deeply concerned about discrimination against Roma people in the fields of employment, housing, health care and education. Although the State party acknowledges this

fact, the legislative and administrative measures undertaken by the State party to improve the socio-economic conditions of the Roma are still insufficient to address the problem. The Committee is also concerned about the absence of a comprehensive anti-discrimination law.

315. While the Committee appreciates the efforts of the State party in seeking to ensure equal rights for men and women, it notes with concern the inadequate representation of women in the decision-making bodies of the State party and the persistence of patriarchal attitudes in Slovak society.

316. The Committee is alarmed about the high rate of unemployment and, in particular, the large disparities in employment between the different regions of the country, as well as between urban and rural areas. The Committee is also concerned that unemployment among Roma people is steadily increasing and, in some cases, has risen above 80 per cent.

317. The Committee is especially concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families.

318. The Committee is concerned that there remains a large disparity between the wages of men and women, and that, according to the Statistical Office of Slovakia, women's wages in general are 25 per cent lower than those of men.

319. The Committee notes with concern that the legislative measures in place concerning the right to strike are too restrictive, given that no strikes have actually been staged.

320. The Committee notes with concern that, despite the State party's adoption of legislative measures on domestic violence, the problem persists and is widespread.

321. The Committee is concerned about the persistent problem of trafficking in women, as well as the sexual exploitation of women and children in the State party.

322. The Committee is deeply concerned about the high rate of tobacco smoking as well as the high level of alcohol consumption among adults.

323. The Committee is alarmed about the low rate of primary school enrolment and the high dropout rates at secondary schools among Roma children.

Suggestions and recommendations

324. The Committee recommends that the State party formulate and implement a comprehensive national plan of action for the promotion and protection of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action.⁸ The Committee requests the State party to include a copy of its national plan of action and information on its implementation in its second periodic report.

325. The Committee recommends that the State party take into account its obligations under the

Covenant in the formulation of its social welfare, housing, health and education policies.

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

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

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

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

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

331. The Committee urges the State party to implement effectively measures recently adopted to ensure equal pay for work of equal value, as provided for in the Covenant, and to reduce the wage gap between men and women.

332. The Committee recommends that the State party revise its legislation on the right to strike, in line with article 8 of the Covenant and the relevant conventions of ILO.

333. The Committee requests the State party to provide detailed information on the National Programme for Combating Poverty and Social Exclusion and on the Slovak Social Protection National Programme. The Committee urges the State party to fully integrate human rights, including economic, social and cultural rights, in its poverty-reduction strategies. In this regard, it draws the attention of the State party to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.¹⁶

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

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

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

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

338. The Committee urges the State party to intensify its efforts to increase the school attendance of Roma children, especially at the primary level, and to address the problem of dropouts among secondary school pupils. The Committee also recommends that the State party collect and develop data, disaggregated by gender and ethnic origin, as stated in paragraph 7 of the Committee's general comment no. 13 (1999) on the right to education (art. 13 of the Covenant) for inclusion in its next periodic report.

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

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

341. The Committee requests the State party to submit its second periodic report by 30 June 2007.

8/ Adopted by the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

[...]

16/ [*Official Records of the Economic and Social Council*], 2002, *Supplement No. 2* (E/2002/22-E/C.12/2001/17), annex VII.