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Business and human rights

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Slovakia

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In the Slovak Republic, every person has the right to equal treatment when exercising their rights and to protection against discrimination. Businesses must respect the principle of equal treatment, not only in the provision of goods and services, but also in relation to employment, both for job seekers and employees themselves.

1. What kind of judicial protection do I have in your country as a victim of business- related human rights violations? Does this protection include compensation?

One of the fundamental rights enshrined in the Constitution of the Slovak Republic is the right to judicial protection, to pursue one's rights before independent courts, including the Constitutional Court, or before another authority of the Slovak Republic, if the law so provides.

The right to judicial protection is exercised by means of an application to initiate proceedings. If there is a violation of or threat to a subjective right, the holder of that right, whether a natural person or a legal person, can exercise their right to judicial protection by applying to initiate proceedings, i.e. by bringing an action. Any natural or legal person is entitled to bring an action. The courts must consider any action.

It must be clear from the action what the claimant is seeking, i.e. what form of order or remedy is sought. In the form of order sought (the *petitum*), the claimant defines the case which the court is to hear and decide upon. The court cannot award anything other than what is sought in the form of order. Depending on the results of the proceedings, the court may of course award less than that which the claimant is seeking; it can only award more where the law establishes a specific form of settlement between the parties or where the proceedings could have been initiated on the court's own motion.

The victim of a human rights violation in a commercial context therefore has the right to judicial protection, and when bringing the action they specify, in the form of order, the matter that is to be heard and decided on and the compensation that they are seeking as a claimant before the court.

In cases involving an unlawful interference with the honour, dignity, health or privacy of a natural person, their family life, etc., the injured person has the right to seek compensation for non-pecuniary damage in court. The amount of non-pecuniary damage is determined in monetary terms mainly with reference to:

1. the victim, their life up to that point and the environment in which they live and work;
2. the seriousness of the damage and the circumstances in which it occurred;
3. the seriousness of the consequences for the victim's private life;
4. the seriousness of the consequences for the victim's social standing.

2. Do you have specific rules for gross human rights violations? Do these rules apply to environmental crimes or severe labour exploitations?

The Labour Code prohibits discrimination in employment relationships, thereby directly requiring businesses to respect the principle of equal treatment in their pre-contractual and employment relationships. More detailed

measures are provided by the Anti-Discrimination Act, which prohibits discrimination in employment and similar legal relationships on grounds of sex, religion or belief, race, nationality or ethnic group, disability, age, sexual orientation, marital status and family status, skin colour, language, political or other beliefs, national or social origin, property, gender or other status, or because of a report of crime or other anti-social activity.

Under the Occupational Safety and Health Act, businesses must supervise safe working conditions, buildings, roads, machinery and technical equipment, working procedures, work organisation, etc., in order to ensure health and safety at work.

The Constitution of the Slovak Republic provides that no-one may be sent for forced labour or forced service.

Offences involving serious violations of human rights, for example against freedom (such as human trafficking, restriction of personal liberty or restriction of freedom of residence), as well as offences involving a danger to the public and against the environment (e.g. illegal waste disposal, unauthorised discharging of pollutants, violations of water and air protection, unauthorised production and handling of ozone-depleting substances and others) are classified under the Criminal Code as crimes where there is criminal intent, for which this law provides for a maximum term of imprisonment of over five years. Criminal liability for such offences is borne by the perpetrators, who may be natural persons under the Criminal Code or legal persons under the Criminal Liability of Legal Persons Act and the Criminal Code.

It follows from the above that in cases of gross human rights violations, including environmental offences and severe labour exploitation, specific rules apply to the length of the sentence, which will be higher under the Criminal Code in the case of a crime than in the case of a misdemeanour.

3. I am the victim of a human rights violation resulting from activities carried out outside the European Union by a European transnational corporation. Do I have access to the courts in your country if I am not an EU citizen or I don't live in the EU? Under what conditions can I claim a violation of my rights? Where can I find additional information?

In the case of international law disputes, it must be determined which court will consider and decide on the case, and it is also necessary to determine under which law the facts are to be determined. The Act on International Private and Procedural Law, the purpose of which is to determine which legal system governs civil, commercial, family, labour and other similar relationships with an international element, contains an International Procedural Law part laying down cases where the Slovak courts have jurisdiction, cases where the Slovak courts have exclusive jurisdiction and cases where the parties to the dispute are free to choose the option of a procedure before a Slovak court. It must be emphasised that the Slovak courts always follow Slovak procedural regulations, and if the Slovak judicial authority fails to establish the content of a foreign law within a reasonable period of time or if it would be difficult or impossible to establish the content of a foreign law, Slovak law will be used in the procedure.

In the situation in question, it is usually only the provisions of the Slovak Act on International Private and Procedural Law concerning choice of jurisdiction by mutual agreement that are applied, i.e. both parties to the dispute agree that the case will be heard before the Slovak courts. However, if a jurisdiction agreement would be beneficial to one party only, the party's right to apply to another court remains protected. In matters relating to employment contracts, insurance contracts and consumer contracts, jurisdiction agreements are valid only if they do not preclude the jurisdiction of the courts of the State in which the claimant resides or if they are concluded after the dispute arises.

For more information contact:

[National Contact Point for Business and Human Rights \(*Národné kontaktné miesto pre podnikanie a ľudské práva*\)](#)

[Ministry of Justice of the Slovak Republic](#)

4. Can ombudsman institutions, equality bodies or national human rights institutions support victims of business-related human rights violations committed by European transnational corporations outside the European Union? Can these bodies investigate my case if I am not an EU citizen or I don't live in the EU? Are there other public services (such as a labour or environmental inspectorate) in your country that can investigate my case? Where can I find information about my rights?

The [Public Defender of Human Rights \(Ombudsman\)](#) is provided for in the Slovak Constitution. The Slovak Ombudsman is appointed by the National Council of the Slovak Republic and may be approached by natural and legal persons if they believe that their fundamental rights or freedoms have been violated by an action, decision or omission of a public authority. This means that a person who does not live in Slovakia or whose rights and freedoms have not been violated by Slovak public authorities may ask the Slovak Ombudsman for advice, but the Ombudsman will not have legal competence to deal with the issue or to act on the matter.

In Slovakia, the [Slovak National Centre for Human Rights \(Slovenské národné stredisko pre ľudské práva\)](#) operates as the national institution for human rights and also as the national anti-discrimination body. The Centre's main task is to ensure respect for human rights and fundamental freedoms, including the principle of equal treatment in the Slovak Republic. It carries out a wide range of activities to fulfil its mission and provides various services in the field of protecting and promoting human rights, whilst cooperating closely with international human rights organisations and institutions. In September 2018, the Slovak National Centre for Human Rights established the National Contact Point for Business and Human Rights. In accordance with the legislation governing the activities and functioning of the founding entity, it provides, among other things, legal advice on workplace discrimination (including free representation in legal proceedings) and consultation on the protection of human rights and fundamental freedoms to the widest possible extent – from gender equality issues to environmental protection but only within Slovakia (in compliance with the Civil Procedure Code, according to which the general court for a natural person is the court within whose territory the natural person lives, and in compliance with the Act on International Private and Procedural Law).

In the area of environmental protection, Slovakia has the Slovak Environmental Inspectorate (*Slovenská inšpekcia životného prostredia*) through which the Ministry of the Environment performs State supervision and imposes penalties on natural persons, businesses and other legal persons in accordance with the Act on the Protection of Nature and the Landscape, and the jurisdiction of which covers the territory of the Slovak Republic, and therefore violations of this Act would have to take place within the territory of the Slovak Republic.

The Act on Labour Inspections and on Unlawful Labour and Unlawful Employment regulates the inspection of work in the territory of the Slovak Republic, which means that violations of this Act would have to take place within the territory of the Slovak Republic.

It follows from the above that if a person believes that their fundamental human rights and freedoms have been violated but they are not a citizen of a Member State of the European Union and they do not live in the territory of the European Union, they cannot seek effective legal protection from the national authorities that protect fundamental rights and freedoms in the Slovak Republic.

5. Does your country impose obligations on European transnational corporations to establish complaint mechanisms or mediation services for violations resulting from their business activities? Do these obligations also apply to violations that occur outside the European Union? Who is in charge of monitoring these activities in your country? Are there public reports available providing information on the functioning of the system?

The Slovak Republic does not oblige European multinational corporations to set up complaint mechanisms, as

this obligation is imposed only on authorities of the State and the self-governing territorial units and other bodies of the Slovak Republic in accordance with the Complaints Act. As a Member State of the European Union, the Slovak Republic must implement European legislation.

In Slovakia, multinational companies can contact the National Contact Point for Business and Human Rights, which provides training, consultation and legal advice in this area.

Mediation is a voluntary process that serves to relieve the courts of disputes. In Slovakia, mediation is governed by the Mediation Act and provides for the extra-judicial settlement of disputes in the areas of civil law, family law and commercial obligations and employment relationships, as well as for cross-border disputes arising from similar legal relationships between entities resident or ordinarily resident in a Member State of the European Union. According to the Civil Procedure Code, the court should always seek to reach an amicable settlement. The court may propose that the parties reach settlement through mediation, but it cannot be ordered. Mediation requires the voluntary consent of and an active approach by the parties involved.

6. Do I have specific rights if I am a vulnerable victim seeking a remedy for business-related human rights violations? Can I have access to legal aid, and under which conditions? Which costs will be covered by the legal aid? Do I have access to legal aid under the same conditions if I am not an EU citizen or I don't live in the EU?

In Slovakia, the Victims of Crime Act provides the following definition of the term 'victim': particularly vulnerable victims (children, persons over 75 years of age, disabled persons, victims of human trafficking, organised crime, one of the crimes against human dignity, one of the terrorism crimes, victims of crimes of violence or threats of violence because of their sex, sexual orientation, nationality, race or ethnicity, religion or belief, victims of other crimes exposed to a higher risk of repeated victimisation based on an individual assessment of the victim and their personal characteristics, relationship to the perpetrator or dependence on the offender and the type or nature and circumstances of the offence) for the purposes of proceedings under Slovak law.

Law enforcement authorities (prosecutors and police), courts and entities providing assistance to victims must inform victims of their rights in a simple and understandable way. In particular, they will take account of difficulties in understanding or communicating arising from certain types of disability, linguistic knowledge or a victim's limited ability to express themselves. In criminal proceedings, victims will have the status of a party that reported an offence, an injured party or a witness and have the rights and obligations associated with their status under the Criminal Procedure Code. The law enforcement authorities, the courts and the entities providing assistance to victims carry out individual assessments of victims regarding the seriousness of the crime committed in order to determine whether the victim is particularly vulnerable, with a view to preventing repeated victimisation.

Victims are provided with legal assistance in the form of legal information and legal representation in criminal proceedings and civil proceedings and in claiming damages. Legal assistance is provided to victims by the Centre for Legal Assistance (*Centrum právnej pomoci*) under the conditions and within the scope laid down by the Act on Legal Assistance for Persons in Material Need. The Centre for Legal Assistance provides legal assistance to all natural persons involved in national disputes but, in cross-border disputes, only to natural persons resident or ordinarily resident in the territory of a Member State. Under the terms of an international treaty by which the Slovak Republic is bound or on the basis of a reciprocity declared by the Ministry of Justice of the Slovak Republic, legal assistance is also provided for the purpose of proceedings before a court in the Slovak Republic to nationals of a state which is a party to an international treaty or to persons ordinarily resident in the territory of such a state or to persons where the subject of proceedings in a court of the Slovak Republic is directly related to their previous habitual residence in the territory of the Slovak Republic. Representation by a lawyer (or solicitor) under the Legal Profession Act and the Trading Act is not excluded.

Those who are in material need (their income is less than 1.4 times the subsistence level (in Slovakia) or who are receiving benefits in material need (in Slovakia)), and where the dispute is not manifestly without merit and the value of the dispute exceeds the value of the minimum wage laid down by law, are entitled to free legal assistance from the Centre for Legal Assistance.

Applicants are eligible for legal assistance through the Centre for Legal Assistance with a contribution of 20% of the costs of legal representation if they simultaneously meet the following three conditions: the applicant's income exceeds 1.4 times the subsistence minimum (in Slovakia) and at the same time does not exceed 1.6 times that amount, and they cannot secure legal services with their assets, the dispute is not manifestly without merit, and the value of the dispute exceeds the value of the minimum wage laid down by law. The Centre always assesses compliance with these conditions prior to the provision of legal aid.

In other cases, the victims secure their own lawyer (or solicitor) at their own expense.

The protection of whistleblower rights constitutes a special group. The Whistleblowers Protection Act regulates the conditions for providing protection to persons in an employment relationship in connection with the reporting of crimes or other anti-social activities, the rights and obligations of persons when reporting anti-social activities, and the establishment, status and competence of the Office for the Protection of Whistleblowers (*Úrad na ochranu oznamovateľov protispoločenskej činnosti*).

Whistleblowers may request protection when reporting a serious anti-social activity which constitutes a criminal offence or during criminal proceedings. The request is made to a public prosecutor. If a request for whistleblower protection is made to another public authority, it is forwarded to a public prosecutor without delay. If the prosecutor finds that the whistleblower who requested protection has made a qualified notification, they shall provide protection immediately. Special protection is provided for whistleblowers in order to prevent their victimisation so that the offender cannot victimise the whistleblower through threats, intimidation, coercion or abuses of power, or by taking revenge or otherwise influencing the physical or psychological integrity of the victim.

In cases where the victim is complaining about discrimination, protection is provided under the Anti-Discrimination Act, according to which unjustified measures against a complainant are also regarded as a form of discrimination. In discrimination cases, the Slovak National Centre for Human Rights provides legal advice and may also represent the victim in legal proceedings.

It does not take account of the victim's nationality, but protection can be provided only to victims located within the territory of the Slovak Republic.

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