


# Uradni list

## Republike Slovenije



# Mednarodne pogodbe

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Leto IX

### 20. Zakon o ratifikaciji Evropske socialne listine (spremenjene) (MESL)

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

#### U K A Z

### O RAZGLASITVI ZAKONA O RATIFIKACIJI EVROPSKE SOCIALNE LISTINE (SPREMENJENE) (MESL)

Razglasjam zakon o ratifikaciji Evropske socialne listine (spremenjene) (MESL), ki ga je sprejel Državni zbor Republike Slovenije na seji 11. marca 1999.

Št. 001-22-23/99  
Ljubljana, 19. marca 1999

Predsednik  
Republike Slovenije  
**Milan Kučan** l. r.

#### Z A K O N

### O RATIFIKACIJI EVROPSKE SOCIALNE LISTINE (SPREMENJENE) (MESL)

#### 1. člen

Ratificira se Evropska socialna listina (spremenjena), sklenjena v Strasbourgu 3. maja 1996.

#### 2. člen

Evropska socialna listina (spremenjena) se v izvirniku v angleškem jeziku in v slovenskem prevodu glasi:\*

#### EUROPEAN SOCIAL CHARTER (revised)

##### Preamble

The governments signatory hereto, being members of the Council of Europe,

Considering that the aim of the Council of Europe is the achievement of greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress, in particular by the maintenance and further realisation of human rights and fundamental freedoms;

Considering that in the European Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950, and the Protocols thereto, the member States of the Council of Europe agreed to secure to their populations the civil and political rights and freedoms therein specified;

Considering that in the European Social Charter opened for signature in Turin on 18 October 1961 and the Protocols

#### EVROPSKA SOCIALNA LISTINA (spremenjena)

##### Uvod

Vlade, članice Sveta Evrope, ki so podpisnice te listine, so se

ob upoštevanju dejstva, da je namen Sveta Evrope, da doseže večjo enotnost med svojimi članicami glede varovanja in uresničevanja idealov in načel, ki so njihova skupna dediščina, ter pospeševanja njihovega gospodarskega in družbenega napredka, zlasti z ohranjanjem in nadaljnjim uresničevanjem človekovih pravic in temeljnih svoboščin;

ob upoštevanju dejstva, da so se v Konvenciji o varstvu človekovih pravic in temeljnih svoboščin, podpisani 4. novembra 1950 v Rimu, ter v protokolih k tej konvenciji države članice Sveta Evrope dogovorile, da bodo svojim prebivalcem zagotovile državljanske in politične pravice ter svoboščine, ki so navedene v teh dokumentih;

ob upoštevanju dejstva, da so se v Evropski socialni listini, dani v podpis v Torinu dne 18. oktobra 1961, in v

\* Francosko besedilo izvirnika listine je na vpogled v Sektorju za mednarodne pravne zadeve Ministrstva za zunanje zadeve.

thereto, the member States of the Council of Europe agreed to secure to their populations the social rights specified therein in order to improve their standard of living and their social well-being;

Recalling that the Ministerial Conference on Human Rights held in Rome on 5 November 1990 stressed the need, on the one hand, to preserve the indivisible nature of all human rights, be they civil, political, economic, social or cultural and, on the other hand, to give the European Social Charter fresh impetus;

Resolved, as was decided during the Ministerial Conference held in Turin on 21 and 22 October 1991, to update and adapt the substantive contents of the Charter in order to take account in particular of the fundamental social changes which have occurred since the text was adopted;

Recognising the advantage of embodying in a Revised Charter, designed progressively to take the place of the European Social Charter, the rights guaranteed by the Charter as amended, the rights guaranteed by the Additional Protocol of 1988 and to add new rights,

Have agreed as follows:

## Part I

The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised:

1 Everyone shall have the opportunity to earn his living in an occupation freely entered upon.

2 All workers have the right to just conditions of work.

3 All workers have the right to safe and healthy working conditions.

4 All workers have the right to a fair remuneration sufficient for a decent standard of living for themselves and their families.

5 All workers and employers have the right to freedom of association in national or international organisations for the protection of their economic and social interests.

6 All workers and employers have the right to bargain collectively.

7 Children and young persons have the right to a special protection against the physical and moral hazards to which they are exposed.

8 Employed women, in case of maternity, have the right to a special protection.

9 Everyone has the right to appropriate facilities for vocational guidance with a view to helping him choose an occupation suited to his personal aptitude and interests.

10 Everyone has the right to appropriate facilities for vocational training.

11 Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.

12 All workers and their dependents have the right to social security.

13 Anyone without adequate resources has the right to social and medical assistance.

14 Everyone has the right to benefit from social welfare services.

15 Disabled persons have the right to independence, social integration and participation in the life of the community.

protokolih k tej listini, države članice Sveta Evrope dogovorile, da bodo svojim prebivalcem zagotovile socialne pravice, navedene v njih, da bi s tem izboljšale njihov življenjski standard in njihovo socialno blaginjo;

ob sklicevanju na to, da je Ministrska konferenca o človekovih pravicah, ki je potekala v Rimu dne 5. novembra 1990, po eni strani poudarila potrebo po ohranjanju nedeljive narave vseh človekovih pravic, pa naj bodo državljanske, politične, gospodarske, socialne ali kulturne, po drugi strani pa potrebo po tem, da bi Evropski socialni listini dali svež zagon;

odločene, kakor je bilo sklenjeno na Ministrski konferenci v Torinu dne 21. in 22. oktobra 1991, da bodo posodobile in prilagodile bistvo vsebine listine posebej z namenom, da bi upoštevale temeljne socialne spremembe, do katerih je prišlo po sprejemu besedila;

s priznavanjem prednosti spremenjene listine, ki naj bi postopoma nadomestila Evropsko socialno listino, saj zajema tako pravice, zagotovljene z dopolnjeno listino, kot pravice, zagotovljene z Dodatnim protokolom 1988, ter dodaja nove pravice,

sporazumele o naslednjem:

## I. del

Pogodbenice sprejemajo za cilj svoje politike, da si z vsemi ustreznimi državnimi in mednarodnimi sredstvi prizadevajo za ustvarjanje razmer, v katerih je mogoče učinkovito uresničevati naslednje pravice in načela:

1. Vsak mora imeti možnost, da se preživlja s poklicem, ki ga je svobodno izbral.

2. Vsi delavci imajo pravico do pravičnih pogojev dela.

3. Vsi delavci imajo pravico do varnih in zdravih delovnih pogojev.

4. Vsi delavci imajo pravico do pravičnega plačila, ki njim in njihovim družinam zagotavlja dostojen življenjski standard.

5. Vsi delavci in delodajalci imajo pravico do svobodnega združevanja v organizacije na ravni države ali v mednarodne organizacije zaradi varstva svojih ekonomskih in socialnih interesov.

6. Vsi delavci in delodajalci imajo pravico do kolektivnih pogajanj.

7. Otroci in mladostniki imajo pravico do posebnega varstva pred fizičnimi in moralnimi tveganji, ki so jim izpostavljeni.

8. V primeru materinstva imajo zaposlene ženske pravico do posebnega varstva.

9. Vsak ima pravico do ustreznih storitev pri poklicnem usmerjanju z namenom, da se mu pomaga pri izbiri poklica, ki je v skladu z njegovimi sposobnostmi in interesi.

10. Vsak ima pravico do ustreznih storitev pri poklicnem usposabljanju.

11. Vsak ima pravico izrabiti vse možnosti, ki mu omogočijo uživanje najvišjega dosegljivega zdravstvenega standarda.

12. Vsi delavci in osebe, ki jih ti vzdržujejo, imajo pravico do socialne varnosti.

13. Vsak, ki je brez zadostnih sredstev, ima pravico do socialne in zdravstvene pomoči.

14. Vsak ima pravico do storitev socialnovarstvenih služb.

15. Invalidne osebe imajo pravico do samostojnosti, vključitve v družbo in sodelovanja v življenju skupnosti.

16 The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development.

17 Children and young persons have the right to appropriate social, legal and economic protection.

18 The nationals of any one of the Parties have the right to engage in any gainful occupation in the territory of any one of the others on a footing of equality with the nationals of the latter, subject to restrictions based on cogent economic or social reasons.

19 Migrant workers who are nationals of a Party and their families have the right to protection and assistance in the territory of any other Party.

20 All workers have the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.

21 Workers have the right to be informed and to be consulted within the undertaking.

22 Workers have the right to take part in the determination and improvement of the working conditions and working environment in the undertaking.

23 Every elderly person has the right to social protection.

24 All workers have the right to protection in cases of termination of employment.

25 All workers have the right to protection of their claims in the event of the insolvency of their employer.

26 All workers have the right to dignity at work.

27 All persons with family responsibilities and who are engaged or wish to engage in employment have a right to do so without being subject to discrimination and as far as possible without conflict between their employment and family responsibilities.

28 Workers representatives in undertakings have the right to protection against acts prejudicial to them and should be afforded appropriate facilities to carry out their functions.

29 All workers have the right to be informed and consulted in collective redundancy procedures.

30 Everyone has the right to protection against poverty and social exclusion.

31 Everyone has the right to housing.

## Part II

The Parties undertake, as provided for in Part III, to consider themselves bound by the obligations laid down in the following articles and paragraphs.

### Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

1 to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;

2 to protect effectively the right of the worker to earn his living in an occupation freely entered upon;

3 to establish or maintain free employment services for all workers;

4 to provide or promote appropriate vocational guidance, training and rehabilitation.

16. Družina kot temeljna enota družbe ima za zagotavljanje svojega polnega razvoja pravico do ustreznega socialnega, pravnega in ekonomskega varstva.

17. Otroci in mladostniki imajo pravico do ustreznega socialnega, pravnega in ekonomskega varstva.

18. Državljeni katere koli pogodbenice imajo pravico do vključitve v kakršno koli pridobitno dejavnost na ozemlju katere koli druge pogodbenice enakopravno z državljani te države, razen kar zadeva omejitve, ki temeljijo na obvezujočih ekonomskih ali socialnih razlogih.

19. Zdomski delavci, ki so državljani pogodbenice, ter njihove družine imajo pravico do varstva in pomoči na ozemlju katere koli druge pogodbenice.

20. Vsi delavci imajo v zadevah, povezanih z zaposlitvijo in poklicem, pravico do enakih možnosti in enakega obravnavanja brez razlikovanja na podlagi spola.

21. Delavci imajo pravico, da jih v podjetju obveščajo in se z njimi posvetujejo.

22. Delavci imajo pravico do sodelovanja pri določanju in izboljševanju delovnih pogojev in delovnega okolja v podjetju.

23. Vsaka starejša oseba ima pravico do socialnega varstva.

24. Vsi delavci imajo pravico do varstva v primerih prenehanja delovnega razmerja.

25. Vsi delavci imajo pravico do varstva svojih zahtevkov v primeru plačilne nesposobnosti njihovega delodajalca.

26. Vsi delavci imajo pravico do dostojanstva pri delu.

27. Vse osebe z družinskimi obveznostmi, ki so zaposlene ali si želijo zaposlitve, imajo do tega pravico, ne da bi bile zato izpostavljene razlikovanju, in če je mogoče, brez nasprotja med njihovo zaposlitvijo in družinskimi obveznostmi.

28. Predstavniki delavcev v podjetjih imajo pravico do varstva pred dejanji, zaradi katerih bi bili v manj ugodnem položaju, in jim je treba ponuditi primerne olajšave za opravljanje njihovih funkcij.

29. Vsi delavci imajo pravico, da jih med postopki kolektivnega odpuščanja o tem obveščajo in se z njimi posvetujejo.

30. Vsak ima pravico do varstva pred revščino in socialno izključenostjo.

31. Vsak ima pravico do nastanitve.

## II. del

V skladu s III. delom se pogodbenice zavezujejo, da bodo spoštovale obveznosti, navedene v naslednjih členih in odstavkih.

### 1. člen – Pravica do dela

Da bi zagotavljale učinkovito uresničevanje pravice do dela, se pogodbenice zavezujejo, da:

1. kot enega svojih glavnih ciljev sprejmejo doseganje in ohranjanje čim višje in uravnotežene ravni zaposlovanja, pri tem pa težijo k doseganju polne zaposlenosti;

2. učinkovito varujejo pravico delavca, da se preživlja s poklicem, ki ga je svobodno izbral;

3. ustanavljajo ali vzdržujejo brezplačne službe za zaposlovanje za vse delavce;

4. zagotavljajo ali spodbujajo primerno poklicno usmerjanje, usposabljanje in rehabilitacijo.

**Article 2 – The right to just conditions of work**

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

- 1 to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;
- 2 to provide for public holidays with pay;
- 3 to provide for a minimum of four weeks' annual holiday with pay;
- 4 to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;
- 5 to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;
- 6 to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;
- 7 to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

**Article 3 – The right to safe and healthy working conditions**

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers and workers organisations:

- 1 to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;
- 2 to issue safety and health regulations;
- 3 to provide for the enforcement of such regulations by measures of supervision;
- 4 to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.

**Article 4 – The right to a fair remuneration**

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

- 1 to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;
- 2 to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;
- 3 to recognise the right of men and women workers to equal pay for work of equal value;
- 4 to recognise the right of all workers to a reasonable period of notice for termination of employment;
- 5 to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

**2. člen – Pravica do pravičnih pogojev dela**

Da bi zagotavljale učinkovito uresničevanje pravice do pravičnih pogojev dela, se pogodbenice zavezujejo, da:

1. določijo razumno trajanje dnevnega in tedenskega delovnega časa, pri čemer naj bi se delovni teden postopoma skrajševal do ravni, ki jo dopuščajo povečanje storilnosti in drugi pomembni dejavniki;
2. določijo plačane državne praznike;
3. določijo najmanj štirtedenski plačani letni dopust;
4. odpravljajo tveganja, značilna za nevarne ali nezdruve poklice, kjer pa še ni bilo mogoče odpraviti ali dovolj zmanjšati takih tveganj, določijo skrajšanje delovnega časa ali dodatni plačani dopust delavcem, ki opravljajo take poklice;
5. zagotavljajo tedenski počitek, ki je, če je mogoče, na dan, ki je po tradiciji ali običajih v posamezni državi ali območju priznan kot dan počitka;
6. zagotavljajo, da se delavci pisno obvestijo čim prej, nikakor pa ne kasneje kot v dveh mesecih po dnevu začetka zaposlitve, o bistvenih elementih pogodbe ali zaposlitvene razmerja;
7. zagotavljajo, da delavci, ki opravljajo nočno delo, prejemajo ugodnosti zaradi posebne narave svojega dela.

**3. člen – Pravica do varnih in zdravih delovnih pogojev**

Da bi zagotavljale učinkovito uresničevanje pravice do varnih in zdravih delovnih pogojev, se pogodbenice zavezujejo, da po posvetovanju z organizacijami delodajalcev in delavcev:

1. oblikujejo, izvajajo in občasno pregledajo skladnost državne politike na področju varnosti, zdravja pri delu ter delovnega okolja. Temeljni cilj te politike je izboljšanje varnosti in zdravja pri delu ter preprečevanje nezgod in poškodb zdravja, ki izhajajo iz dela, so z njim povezane ali povzročene, posebno še z zmanjšanjem vzrokov za nevarnosti, ki izvirajo iz posebnosti delovnega okolja;
2. izdajo varnostne in zdravstvene predpise;
3. zagotavljajo uveljavljanje takih predpisov z ukrepi nadzora;
4. spodbujajo pospešen razvoj služb za zdravje pri delu s poudarkom na preventivni in svetovalni vlogi za vse delavce.

**4. člen – Pravica do pravičnega plačila**

Da bi zagotavljale učinkovito uresničevanje pravice do pravičnega plačila, se pogodbenice zavezujejo, da:

1. delavcem priznavajo pravico do takšnega plačila, ki bo njim in njihovim družinam omogočilo dostojen življenjski standard;
2. delavcem priznavajo pravico do višjega plačila za nadurno delo, razen v določenih izjemnih primerih;
3. priznavajo delavcem in delavkam enako plačilo za delo enake vrednosti;
4. priznavajo vsem delavcem pravico do razumnega odpovednega roka pri prenehanju zaposlitve;
5. dovoljujejo odtegljaje od plač le pod pogoji in le v takšni meri, kot je predpisano z zakoni oziroma drugimi notranjimi predpisi ali je določeno s kolektivnimi pogodbami oziroma arbitražnimi odločitvami.

The exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wagefixing machinery, or by other means appropriate to national conditions.

#### **Article 5 – The right to organise**

With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

#### **Article 6 – The right to bargain collectively**

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

- 1 to promote joint consultation between workers and employers;
- 2 to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers organisations and workers organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;
- 3 to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;  
and recognise:
- 4 the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

#### **Article 7 – The right of children and young persons to protection**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

- 1 to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
- 2 to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
- 3 to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
- 4 to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
- 5 to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
- 6 to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
- 7 to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks annual holiday with pay;

Uresničevanje teh pravic mora biti zagotovljeno s prostovoljno sklenjenimi kolektivnimi pogodbami, z zakonito metodologijo določanja plač ali z drugimi sredstvi, ki ustrezajo razmeram v državi.

#### **5. člen – Pravica do organiziranja**

Da bi zagotavljal ali uveljavljal svobodo delavcev in delodajalcev do ustanavljanja lokalnih, državnih ali mednarodnih organizacij za varstvo njihovih ekonomskih in socialnih interesov ter do vključevanja v te organizacije, se pogodbenice zavezujejo, da njihova notranja zakonodaja ne bo taka, da bi omejevali to svobodo, prav tako pa ne smejo biti uporabljeni na način, ki bi to omogočal. V kakšnem obsegu veljajo jamstva, zagotovljena v tem členu za policijo, je določeno z zakoni ali drugimi notranjimi predpisi. Pravilo, ki velja za uporabo teh jamstev za pripadnike oboroženih sil in obseg, v katerem veljajo zanje, je prav tako določeno z zakoni ali drugimi notranjimi predpisi.

#### **6. člen – Pravica do kolektivnega pogajanja**

Da bi zagotavljal učinkovito uresničevanje pravice do kolektivnega pogajanja, se pogodbenice zavezujejo, da:

1. spodbujajo medsebojno posvetovanje delavcev in delodajalcev;
2. spodbujajo, če je to potrebno in primerno, mehanizme za prostovoljna pogajanja med delodajalci ali njihovimi organizacijami in organizacijami delavcev, s ciljem, da bi uredile pravila in pogoje za zaposlovanje na podlagi določb kolektivnih pogodb;
3. spodbujajo ustanavljanje in uporabo ustreznih mehanizmov za poravnavo in prostovoljno arbitražo za reševanje delovnih sporov,  
in priznavajo:
4. pravico delavcev in delodajalcev do kolektivnega delovanja v primerih interesnih sporov, vključno s pravico do stavke, v okviru obveznosti, ki bi izhajale iz predhodno sklenjenih kolektivnih pogodb.

#### **7. člen – Pravica otrok in mladostnikov do varstva**

Da bi zagotavljal učinkovito uresničevanje pravic otrok in mladostnikov do varstva, se pogodbenice zavezujejo, da:

1. določijo za sprejem na delo najnižjo starost petnajst let, razen če so otroci zaposleni pri predpisanih lažjih delih, ki ne škodujejo njihovemu zdravju, morali ali vzgoji;
2. določijo za zaposlitev pri delih, ki po predpisih veljajo za nevarna ali nezdrava, najnižjo starost osemnajst let;
3. določijo, da otroci, ki so še vključeni v obvezno šolanje, ne smejo biti zaposleni pri delih, ki bi jim onemogočala v celoti izkoristiti ugodnosti njihovega izobraževanja;
4. določijo, da bo delovni čas oseb, mlajših od osemnajst let, omejen v skladu s potrebami njihovega razvoja, zlasti s potrebami njihovega poklicnega usposabljanja;
5. priznajo pravico mladih delavcev in vajencev do pravične plače ali drugega ustreznega plačila;
6. določijo, da se poklicno šolanje mladostnika med rednim delovnim časom s privolitvijo delodajalca šteje kot del delovnega dne;
7. določijo, da bodo zaposlene osebe, mlajše od osemnajst let, upravičene do najmanj štiritedenskega plačanega letnega dopusta;

8 to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;

9 to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;

10 to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

#### **Article 8 – The right of employed women to protection of maternity**

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1 to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;

2 to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;

3 to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;

4 to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;

5 to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

#### **Article 9 – The right to vocational guidance**

With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.

#### **Article 10 – The right to vocational training**

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

1 to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers and workers organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;

2 to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;

3 to provide or promote, as necessary:

a adequate and readily available training facilities for adult workers;

b special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;

8. določijo, da osebe, mlajše od osemnajst let, ne smejo biti zaposlene pri delu ponoči, razen v tistih poklicih, za katere je tako predpisano z državno zakonodajo;

9. določijo redne zdravniške preglede osebam, mlajšim od osemnajst let, ki so zaposlene v poklicih, določenih z državno zakonodajo;

10. zagotovijo posebno varstvo pred fizičnimi in moralnimi nevarnostmi, ki so jim izpostavljeni otroci in mladina, zlasti pred takimi, ki neposredno ali posredno izhajajo iz njihovega dela.

#### **8. člen – Pravica zaposlenih žensk do porodniškega varstva**

Da bi zagotavljale učinkovito uresničevanje pravice zaposlenih žensk do porodniškega varstva, se pogodbenice zavezujejo, da:

1. s plačanim dopustom, ustreznimi nadomestili iz socialnega zavarovanja ali z nadomestili iz javnih sredstev omogočijo zaposlenim ženskam, da pred porodom in po njem dobijo dopust najmanj štirinajst tednov;

2. štejejo kot nezakonito, če delodajalec svojo delavko obvesti o odpustu po tem, ko ga ta obvesti o svoji nosečnosti, pa do konca njenega porodniškega dopusta, ali če jo obvesti o odpustu ob takem času, da bi odpust začel veljati in tem obdobju;

3. omogočijo doječim materam, da so lahko v ta namen primeren čas odsotne z dela;

4. s predpisi uredijo zaposlitev nosečnic, porodnic in doječih mater pri nočnem delu;

5. prepovejo zaposlitev nosečnic, porodnic in doječih mater pri podzemeljskem rudarjenju in pri vseh drugih delih, ki so neprimerna, ker so nevarna, nezdrava ali prenaporna in sprejmejo primerne ukrepe za varstvo pravic teh žensk v zvezi z zaposlitvijo.

#### **9. člen – Pravica do poklicnega usmerjanja**

Da bi zagotavljale učinkovito uresničevanje pravice do poklicnega usmerjanja, se pogodbenice zavezujejo, da glede na potrebe omogočajo ali spodbujajo delovanje službe, ki bo pomagala vsem osebam, vključno z invalidnimi, pri reševanju njihovih problemov v zvezi z izbiro poklica in napredovanju v upoštevanjem sposobnosti posameznika in možnosti njegove zaposlitve; ta pomoč bi morala biti na voljo brezplačno tako za mladostnike, vključno s soloobveznimi otroki, kot tudi za odrasle.

#### **10. člen – Pravica do poklicnega usposabljanja**

Da bi zagotavljale učinkovito uresničevanje pravice do poklicnega usposabljanja, se pogodbenice zavezujejo, da:

1. zagotovijo ali spodbujajo glede na potrebe strokovno in poklicno usposabljanje vseh oseb, vključno z invalidnimi, ter po posvetu z organizacijami delodajalcev in delavcev zagotovijo možnosti za doseganje višje strokovne in univerzitetne izobrazbe izključno na podlagi nadarjenosti posameznika;

2. zagotovijo ali spodbujajo vajeništvo in druga sistematična usposabljanja mladih fantov in deklet v različnih zaposlitvah;

3. glede na potrebe zagotovijo ali spodbujajo:

a) ustrezne in takoj dosegljive možnosti za usposabljanje odraslih delavcev;

b) posebne možnosti za prekvalifikacije odraslih delavcev, potrebne zaradi tehnološkega razvoja ali novih smeri razvoja v zaposlovanju;

4 to provide or promote, as necessary, special measures for the retraining and reintegration of the longterm unemployed;

5 to encourage the full utilisation of the facilities provided by appropriate measures such as:

- a reducing or abolishing any fees or charges;
- b granting financial assistance in appropriate cases;
- c including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
- d ensuring, through adequate supervision, in consultation with the employers and workers organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

#### Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed *inter alia*:

- 1 to remove as far as possible the causes of ill-health;
- 2 to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
- 3 to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

#### Article 12 – The right to social security

With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

- 1 to establish or maintain a system of social security;
- 2 to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security;
- 3 to endeavour to raise progressively the system of social security to a higher level;
- 4 to take steps, by the conclusion of appropriate bilateral and multilateral agreements or by other means, and subject to the conditions laid down in such agreements, in order to ensure:
  - a equal treatment with their own nationals of the nationals of other Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Parties;
  - b the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Parties.

#### Article 13 – The right to social and medical assistance

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

- 1 to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;
- 2 to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights;

4. glede na potrebe zagotovijo ali spodbujajo posebne ukrepe za prekvalifikacijo in ponovno vključevanje dolgotrajno nezaposlenih delavcev;

5. spodbujajo celovito izrabo možnosti, ki jih zagotavljajo posamezni ukrepi, kot so:

- a) zmanjšanje ali odprava kakršnih koli pristojbin ali stroškov;
- b) dodeljevanje denarne pomoči v ustreznih primerih;
- c) vštetje časa, ki ga delavec med zaposlitvijo porabi za dodatno usposabljanje na zahtevo delodajalca, v običajni delovni čas;
- d) zagotavljanje učinkovitosti vajeništva in drugih načinov usposabljanja mladih delavcev ter na splošno primerne- ga varstva mladih delavcev z ustreznim nadzorom in po posvetu z organizacijami delodajalcev in delavcev primerne- ga varstva mladih delavcev.

#### 11. člen – Pravica do varstva zdravja

Da bi zagotavljale učinkovito uresničevanje pravice do varstva zdravja, se pogodbenice zavezujejo, da bodo neposredno ali v sodelovanju z javnimi ali zasebnimi organizacijami sprejele primerne ukrepe, da bi med drugim:

1. v največji možni meri odstranile vzroke slabega zdravja;
2. zagotovile svetovalne in izobraževalne možnosti za izboljšanje zdravja in spodbujanje čuta osebne odgovornosti za zdravje;
3. v največji možni meri preprečevale epidemije, endemične in druge bolezni ter nesreče.

#### 12. člen – Pravica do socialne varnosti

Da bi zagotavljale učinkovito uresničevanje pravice do socialne varnosti, se pogodbenice zavezujejo, da:

1. uvedejo ali ohranjajo sistem socialne varnosti;
2. ohranjajo sistem socialne varnosti na zadovoljivi ravni, ki bo vsaj enaka ravni, potrebni za ratifikacijo Evropskega kodeksa socialne varnosti;
3. si prizadevajo za pospešen razvoj sistema socialne varnosti, da bi dosegel višjo raven;
4. ukrepejo, kar je potrebno, s sklepanjem ustreznih dvostranskih ali večstranskih sporazumov ali z drugimi sredstvi ter v skladu s pogoji, določenimi v teh sporazumih, da bi zagotovile:
  - a) enakopravno obravnavanje lastnih državljanov in državljanov drugih pogodbenic glede pravice do socialne varnosti, vključno z ohranjanjem ugodnosti, ki izhajajo iz zakonodaje o socialni varnosti, ne glede na gibanja varovanih oseb med ozemlji različnih pogodbenic;
  - b) dodeljevanje, ohranjanje in ponovno pridobitev pravic do socialne varnosti z ukrepi, kot so seštevane obdobja zavarovanja ali zaposlitve, izpolnjenih v skladu z zakonodajo katere koli pogodbenice.

#### 13. člen – Pravica do socialne in zdravstvene pomoči

Da bi zagotavljale učinkovito uresničevanje pravice do socialne in zdravstvene pomoči, se pogodbenice zavezujejo, da:

1. zagotovijo vsaki osebi, ki je brez zadostnih sredstev in si takih sredstev ni zmožna zagotoviti niti z lastnim trudom niti iz drugih virov, zlasti z dajatvami iz sistema socialne varnosti, zadostno pomoč in v primeru bolezni nego, potrebno glede na njeno stanje;
2. zagotovijo, da osebe, ki prejemajo tako pomoč, zato nimajo nič manjših političnih ali socialnih pravic;

3 to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want;

4 to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.

#### **Article 14 – The right to benefit from social welfare services**

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

1 to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment;

2 to encourage the participation of individuals and voluntary or other organisations in the establishment and maintenance of such services.

#### **Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community**

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

1 to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;

2 to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;

3 to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

#### **Article 16 – The right of the family to social, legal and economic protection**

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

3. vsakomur omogočijo, da mu ustrezne javne ali zasebne službe svetujejo ali pomagajo, kolikor je potrebno, da se prepreči, odpravi ali ublaži osebna ali družinska stiska;

4. uveljavijo določbe iz prvega, drugega in tretjega odstavka tega člena v enaki meri za svoje državljane in državljane drugih pogodbenic, ki so zakonito na njihovem ozemlju, v skladu s svojimi obveznostmi po Evropski konvenciji o socialni in zdravstveni pomoči, podpisani 11. decembra 1953 v Parizu.

#### **14. člen – Pravica do storitev socialnovarstvenih služb**

Da bi zagotavljale učinkovito uresničevanje pravic do storitev socialnovarstvenih služb, se pogodbenice zavezujejo, da:

1. spodbujajo ali zagotovijo službe, ki s pomočjo metod socialnega dela prispeva k blaginji in razvoju posameznikov ter skupin v skupnosti in k njihovem prilagajanju družbenemu okolju;

2. spodbujajo sodelovanje posameznikov in prostovoljnih ali drugih organizacij pri ustanavljanju in delovanju takih služb.

#### **15. člen – Pravica invalidnih oseb do samostojnosti, vključevanja v družbo in sodelovanja v življenju skupnosti**

Da bi invalidnim osebam ne glede na njihovo starost in naravo ter izvor njihove invalidnosti zagotavljale učinkovito uresničevanje pravice do samostojnosti, vključevanja v družbo in sodelovanja v življenju skupnosti, se pogodbenice zavezujejo, da zlasti:

1. ukrepejo vse potrebno, da invalidnim osebam zagotovijo svetovanje, izobraževanje in poklicno usposabljanje, kadar koli je mogoče, v okviru splošnih programov ali če to ni mogoče, s pomočjo javnih ali zasebnih posebnih služb.

2. pospešujejo njihov dostop do zaposlitve s pomočjo vseh ukrepov ki spodbujajo delodajalce, da zaposlijo in obdržijo invalidne osebe zaposlene v običajnem delovnem okolju in prilagodijo delovne pogoje potrebam invalidov, ali če to zaradi invalidnosti ni mogoče, z urejanjem ali omogočanjem zaposlitve pod posebnim varstvom glede na stopnjo invalidnosti. V določenih primerih se lahko sprejmejo ukrepi za ustanovitev posebnih služb za zaposlovanje in pomoč;

3. pospešujejo njihovo celovito vključevanje v družbo in sodelovanje v življenju skupnosti, zlasti z ukrepi, vključno s tehničnimi pripomočki, s pomočjo katerih premagujejo ovire v sporazumevanju in gibljivosti ter jim omogočajo dostop do prevoza, nastanitve, kulturnih dejavnosti in dejavnosti v prostem času.

#### **16. člen – Pravica družine do socialnega, pravnega in ekonomskega varstva**

Da bi zagotavljale potrebne pogoje za celovit razvoj družine, ki je temeljna enota družbe, se pogodbenice zavezujejo, da bodo pospeševale ekonomsko, pravno in socialno varstvo družinskega življenja s socialnimi in družinskimi dajatvami, z davčnimi ugodnostmi, s spodbujanjem ukrepov za razreševanje stanovanjske problematike družin, z ugodnostmi za mladoporočence in z drugimi ustreznimi ukrepi.



**Article 17 – The right of children and young persons to social, legal and economic protection**

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in cooperation with public and private organisations, to take all appropriate and necessary measures designed:

1 a to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;

b to protect children and young persons against negligence, violence or exploitation;

c to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;

2 to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

**Article 18 – The right to engage in a gainful occupation in the territory of other Parties**

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

1 to apply existing regulations in a spirit of liberality;

2 to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;

3 to liberalise, individually or collectively, regulations governing the employment of foreign workers; and recognise:

4 the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties.

**Article 19 – The right of migrant workers and their families to protection and assistance**

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1 to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;

2 to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;

3 to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;

4 to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

**17. člen – Pravica otrok in mladostnikov do socialnega, pravnega in ekonomskega varstva**

Da bi otrokom in mladostnikom zagotavljale učinkovito uresničevanje pravice do odraščanja v okolju, ki spodbuja celovit razvoj njihove osebnosti in njihovih telesnih in duševnih zmogljivosti, se pogodbenice zavezujejo, da bodo neposredno ali v sodelovanju z javnimi in zasebnimi organizacijami izvedle vse ustrezne in potrebne ukrepe, namenjene za:

1. a) zagotavljanje potrebne nege, pomoči, izobraževanja in usposabljanja otrok in mladostnikov z upoštevanjem pravic in dolžnosti njihovih staršev, zlasti z ustanavljanjem ali delovanjem institucij in služb, ki so primerne in zadostne za ta namen;

b) zaščito otrok in mladostnikov pred zanemarjanjem, nasiljem ali izkoriščanjem;

c) zaščito in posebno pomoč države otrokom in mladostnikom, ki so začasno ali trajno prikrajšani za podporo svoje družine;

2. zagotavljanje brezplačnega šolanja v osnovnih in srednjih šolah za otroke in mladostnike in spodbujanje rednega obiskovanja šole.

**18. člen – Pravica do opravljanja pridobitne dejavnosti na ozemlju drugih pogodbenic**

Da bi zagotavljale učinkovito uresničevanje pravice do opravljanja pridobitne dejavnosti na ozemlju drugih pogodbenic, se pogodbenice zavezujejo, da:

1. uveljavljajo obstoječe predpise v duhu strpnosti;

2. poenostavijo obstoječe formalnosti in zmanjšajo ali odpravijo sodne takse in druge stroške, ki jih plačujejo tuji delavci ali njihovi delodajalci;

3. posamično ali skupaj sprostijo predpise, ki urejajo zaposlovanje tujih delavcev in priznavajo:

4. pravico svojih državljanov, da zapustijo državo zaradi vključitve v pridobitno dejavnost na ozemlju drugih pogodbenic.

**19. člen – Pravica zdomskih delavcev in njihovih družin do varstva in pomoči**

Da bi zdomskim delavcem in njihovim družinam zagotavljale učinkovito uresničevanje pravice do varstva in pomoči na ozemlju druge pogodbenice, se pogodbenice zavezujejo, da:

1. zagotavljajo ali se prepričajo, da je dovolj brezplačnih služb za pomoč tem delavcem, zlasti pri pridobivanju točnih informacij, ter kolikor dopuščajo zakoni in drugi notranji predpisi, ukrenejo vse potrebno za preprečevanje zavajajoče propagande o izseljevanju in priseljevanju;

2. sprejmejo ustrezne ukrepe v okviru svoje pristojnosti, da olajšajo odhod, potovanje in sprejem takih delavcev in njihovih družin ter v okviru svoje pristojnosti zagotovijo potrebne zdravstvene storitve in pomoč ter dobre higienske razmere med potovanjem;

3. glede na posamezen primer pospešujejo ustrezno sodelovanje med javnimi in zasebnimi socialnimi službami držav, iz katerih se delavci izseljujejo, in držav, v katere se priseljujejo;

4. jamčijo tem delavcem, ki so zakonito na njihovem ozemlju, če je to urejeno z zakoni in drugimi notranjimi predpisi ali je pod nadzorom upravnih oblasti, obravnavanje, ki ni manj ugodno od tistega, ki velja za njihove lastne državljanke, v zvezi:

a remuneration and other employment and working conditions;

b membership of trade unions and enjoyment of the benefits of collective bargaining;

c accommodation;

5 to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;

6 to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

7 to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;

8 to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;

9 to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;

10 to extend the protection and assistance provided for in this article to selfemployed migrants insofar as such measures apply;

11 to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

12 to promote and facilitate, as far as practicable, the teaching of the migrant workers mother tongue to the children of the migrant worker.

**Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex**

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

a access to employment, protection against dismissal and occupational reintegration;

b vocational guidance, training, retraining and rehabilitation;

c terms of employment and working conditions, including remuneration;

d career development, including promotion.

**Article 21 – The right to information and consultation**

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

a) s plačilom in drugimi pogoji zaposlitve ter delovnimi pogoji;

b) s članstvom v sindikalnih organizacijah in uživanjem ugodnosti, določenih s kolektivnimi pogodbami;

c) z nastanitvijo;

5. jamčijo tem delavcem, ki so zakonito na njihovem ozemlju, v zvezi z davki, taksami ali prispevki, ki jih plačujejo zaposlene osebe, obravnavanje, ki ni manj ugodno od tistega, ki velja za njihove državljane;

6. kolikor mogoče olajšajo ponovno združitev družine tujega delavca, ki ima dovoljenje za nastanitev na njihovem ozemlju;

7. jamčijo tem delavcem, ki so zakonito na njihovem ozemlju, v pravnih postopkih v zvezi z zadevami, navedenimi v tem členu, obravnavanje, ki ni manj ugodno od tistega, ki velja za njihove državljane;

8. jamčijo, da teh delavcev, ki zakonito prebivajo na njihovem ozemlju, ne bodo izgnali, razen če ogrožajo državno varnost ali kršijo javni red ali moralo;

9. dovolijo v skladu s pravnimi omejitvami prenos tolikšnih delov zaslužkov ali prihrankov teh delavcev, kot ti želijo;

10. razširijo varstvo in pomoč, predvideni v tem členu, na samozaposlene zdomske delavce v taki meri, v kakršni ti ukrepi veljajo za to kategorijo;

11. pospešujejo in omogočajo pouk uradnega jezika države sprejemnice, ali če jih je več, enega od teh jezikov za zdomske delavce in njihove družinske člane;

12. pospešujejo in omogočajo, kolikor je v praksi izvedljivo, pouk maternega jezika zdomskih delavcev za njihove otroke.

**20. člen – Pravica do enakih možnosti in enakega obravnavanja v zadevah v zvezi z zaposlitvijo in poklicem brez razlikovanja na podlagi spola**

Da bi zagotavljale učinkovito uresničevanje pravice do enakih možnosti in enakega obravnavanja v zadevah v zvezi z zaposlitvijo in poklicem brez razlikovanja na podlagi spola, se pogodbenice zavezujejo, da bodo priznavale to pravico in ustrezno ukrepale, da bi jamčile ali spodbujale njeno uporabo na naslednjih področjih:

a) možnost za zaposlitev, varstvo pred odpuščanjem in ponovno vključevanje v poklic;

b) poklicno usmerjanje, usposabljanje, prekvalifikacija in rehabilitacija;

c) pogoji za zaposlitev in delovni pogoji, vključno s plačilom;

d) poklicni razvoj, vključno z napredovanjem.

**21. člen – Pravica do obveščanja in posvetovanja**

Da bi zagotavljale učinkovito uresničevanje pravice delavcev do obveščanja in posvetovanja v podjetju, se pogodbenice zavezujejo, da bodo sprejele ali spodbujale ukrepe, ki bodo delavcem ali njihovim predstavnikom v skladu z notranjo zakonodajo in prakso omogočali:

a) da bodo redno ali ob primernem času in celovito obveščeni o gospodarskem in finančnem položaju podjetja, v katerem so zaposleni, s tem da so določeni podatki, katerih razkritje bi škodovalo podjetju, lahko nedostopni ali zaupni, in

b) da se pravočasno posvetujejo z njimi o predlaganih odločitvah, ki bi lahko bistveno vplivale na interese delavcev, zlasti o tistih odločitvah, ki bi lahko imele pomembne posledice na zaposlitveni položaj v podjetju.

### Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

- a) to the determination and the improvement of the working conditions, work organisation and working environment;
- b) to the protection of health and safety within the undertaking;
- c) to the organisation of social and sociocultural services and facilities within the undertaking;
- d) to the supervision of the observance of regulations on these matters.

### Article 23 – The right of elderly persons to social protection

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in cooperation with public or private organisations, appropriate measures designed in particular:

to enable elderly persons to remain full members of society for as long as possible, by means of:

a) adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;

b) provision of information about services and facilities available for elderly persons and their opportunities to make use of them;

to enable elderly persons to choose their lifestyle freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:

a) provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;

b) the health care and the services necessitated by their state;

to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.

### Article 24 – The right to protection in cases of termination of employment

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

a) the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;

b) the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

### 22. člen – Pravica do sodelovanja pri določanju in izboljševanju delovnih pogojev in delovnega okolja

Da bi zagotavljale učinkovito uresničevanje pravice delavcev do sodelovanja pri določanju in izboljševanju delovnih pogojev in delovnega okolja v podjetju, se pogodbenice zavezujejo, da bodo sprejele ali spodbujale ukrepe, ki bodo omogočali delavcem ali njihovim predstavnikom, da v skladu z državno zakonodajo in prakso prispevajo k:

a) določanju in izboljševanju delovnih pogojev, organizacije dela in delovnega okolja;

b) varstvu zdravja in varnosti v podjetju;

c) organiziranju socialnih in socialnokulturnih služb in dejavnosti v podjetju;

d) nadzoru nad upoštevanjem predpisov v teh zadevah.

### 23. člen – Pravica starejših oseb do socialnega varstva

Da bi zagotavljale učinkovito uresničevanje pravice starejših oseb do socialnega varstva, se pogodbenice zavezujejo, da neposredno ali v sodelovanju z javnimi ali zasebnimi organizacijami sprejmejo ali spodbujajo ustrezne ukrepe, katerih namen je zlasti, da:

– omogočijo starejšim osebam, da ostanejo polnopravni člani družbe tako dolgo, kot je mogoče, s pomočjo:

a) ustreznih sredstev, ki jim omogočajo spodobno življenje in aktivno vlogo v javnem, družbenem in kulturnem življenju;

b) informacij o službah in možnostih, dosegljivih starejšim osebam, ter o priložnostih, da jih uporabijo;

– omogočijo starejšim osebam, da si svobodno izberejo svoj življenjski slog in živijo samostojno v domačem okolju tako dolgo, kot želijo in zmorejo, s pomočjo:

a) nastanitve, prilagojene njihovim potrebam in njihovega zdravstvenemu stanju ali ustrezne pomoči pri prilagajanju njihove nastanitve;

b) zdravstvene nege in storitev, ki jih potrebujejo glede na svoje stanje;

– jamčijo starejšim osebam, ki živijo v ustanovah, ustrezno pomoč, pri tem pa spoštujejo njihovo zasebnost ter sodelovanje pri odločitvah, ki se nanašajo na življenjske razmere v ustanovi.

### 24. člen – Pravica do varstva v primerih prenehanja zaposlitve

Da bi zagotavljale učinkovito uresničevanje pravice delavcev do varstva v primerih prenehanja zaposlitve, se pogodbenice zavezujejo, da priznajo:

a) pravico vseh delavcev, da njihova zaposlitev ne more prenehati brez veljavnih razlogov za tako prenehanje, povezanih z njihovimi sposobnostmi ali ravnanjem ali zaradi operativnih razlogov na strani podjetja, ustanove ali službe;

b) pravico delavcev, katerih zaposlitev preneha brez veljavnega razloga, do odškodnine ali drugega ustreznega nadomestila.

V ta namen se pogodbenice zavezujejo, da bodo delavcu, ki meni, da je njegova zaposlitev prenehala brez veljavnega razloga, zagotovile pravico do pritožbe pri nepristranskem organu.

**Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer**

With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.

**Article 26 – The right to dignity at work**

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers and workers organisations:

1 to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;

2 to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

**Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment**

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

1 to take appropriate measures:

a to enable workers with family responsibilities to enter and remain in employment, as well as to reenter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;

b to take account of their needs in terms of conditions of employment and social security;

c to develop or promote services, public or private, in particular child daycare services and other childcare arrangements;

2 to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;

3 to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

**Article 28 – The right of workers representatives to protection in the undertaking and facilities to be accorded to them**

With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

a they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;

b they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

**25. člen – Pravica delavcev do varstva njihovih zahtevkov v primeru plačilne nesposobnosti njihovega delodajalca**

Da bi zagotavljale učinkovito uresničevanje pravice delavcev do varstva njihovih zahtevkov v primeru plačilne nesposobnosti njihovega delodajalca, se pogodbenice zavezujejo, da bodo zagotovile, da bo za zahtevke delavcev, ki izhajajo iz pogodb o zaposlitvi ali zaposlitvenih razmerij, jamčila ustanova za jamstva, ali druga učinkovita oblika varstva.

**26. člen – Pravica do dostojanstva pri delu**

Da bi zagotavljale učinkovito uresničevanje pravice vseh delavcev do varstva njihovega dostojanstva pri delu, se pogodbenice zavezujejo, da po posvetu z organizacijami delodajalcev in delavcev:

1. pospešujejo osveščanje, obveščanje in zaščito pred spolnim nadlegovanjem na delovnem mestu ali v zvezi z delom in sprejmejo vse ustrezne ukrepe za zaščito delavcev pred takim ravnanjem;

2. pospešujejo osveščanje, obveščanje in zaščito pred ponavljajočimi graje vrednimi ali očitno negativnimi in žaljivimi dejanji, usmerjenimi proti posameznim delavcem na delovnem mestu ali v zvezi z delom, in sprejmejo vse ustrezne ukrepe za zaščito delavcev pred takim ravnanjem.

**27. člen – Pravica delavcev z družinskimi obveznostmi do enakih možnosti in enakega obravnavanja**

Da bi zagotavljale uresničevanje pravice do enakih možnosti in obravnavanja delavcev in delavk z družinskimi obveznostmi ter teh in drugih delavcev, se pogodbenice zavezujejo:

1. sprejeti ustrezne ukrepe, da:

a) omogočijo delavcem z družinskimi obveznostmi, da se zaposlijo in ostanejo zaposleni, se ponovno zaposlijo po odsotnosti zaradi takih obveznosti, vključno z ukrepi na področju poklicnega usmerjanja in usposabljanja;

b) upoštevajo njihove potrebe glede pogojev zaposlovanja in socialnega varstva;

c) razvijajo ali pospešujejo javne ali zasebne službe, zlasti službe za dnevno otroško varstvo in druge oblike otroškega varstva;

2. vsakemu od staršev dati možnost, da v obdobju po porodniškem dopustu dobi starševski dopust za nego otroka, katerega trajanje in pogoje je treba določiti z notranjo zakonodajo, kolektivnimi pogodbami ali prakso;

3. zagotoviti, da družinske obveznosti same po sebi niso veljaven razlog za prenehanje zaposlitve.

**28. člen – Pravica predstavnikov delavcev do varstva v podjetju in ugodnosti, ki jim pripadajo**

Da bi zagotavljale učinkovito uresničevanje pravice predstavnikov delavcev do opravljanja njihovih funkcij, se pogodbenice zavezujejo, da tem predstavnikom v podjetju zagotovijo:

a) učinkovito varstvo pred dejanji, zaradi katerih bi bili v manj ugodnem položaju, vključno z odpustom, ki temeljijo na njihovem položaju ali delovanju kot delavskih predstavnikov v podjetju;

b) ustrezne ugodnosti, ki jim omogočajo takojšnje in učinkovito opravljanje njihovih funkcij z upoštevanjem odnosov med socialnimi partnerji v državi in potreb, velikosti ter možnosti v podjetju.

**Article 29 – The right to information and consultation in collective redundancy procedures**

With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned.

**Article 30 – The right to protection against poverty and social exclusion**

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

a to take measures within the framework of an overall and coordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;

b to review these measures with a view to their adaptation if necessary.

**Article 31 – The right to housing**

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1 to promote access to housing of an adequate standard;

2 to prevent and reduce homelessness with a view to its gradual elimination;

3 to make the price of housing accessible to those without adequate resources.

**Part III****Article A – Undertakings**

1 Subject to the provisions of Article B below, each of the Parties undertakes:

a to consider Part I of this Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part;

b to consider itself bound by at least six of the following nine articles of Part II of this Charter: Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20;

c to consider itself bound by an additional number of articles or numbered paragraphs of Part II of the Charter which it may select, provided that the total number of articles or numbered paragraphs by which it is bound is not less than sixteen articles or sixtythree numbered paragraphs.

2 The articles or paragraphs selected in accordance with subparagraphs b and c of paragraph 1 of this article shall be notified to the Secretary General of the Council of Europe at the time when the instrument of ratification, acceptance or approval is deposited.

3 Any Party may, at a later date, declare by notification addressed to the Secretary General that it considers itself bound by any articles or any numbered paragraphs of Part II of the Charter which it has not already accepted under the terms of paragraph 1 of this article. Such undertakings subsequently given shall be deemed to be an integral part of the

**29. člen – Pravica do obveščanja in posvetovanja v postopkih kolektivnega odpuščanja**

Da bi zagotavljale učinkovito uresničevanje pravice delavcev do obveščanja in posvetovanja v primerih kolektivnega odpuščanja, se pogodbenice zavezujejo zagotoviti, da bodo delodajalci pred takim kolektivnim odpuščanjem o tem pravočasno obvestili predstavnike delavcev in se z njimi posvetovali o načinih in možnostih za izogibanje ali omejitev takega odpuščanja in omilitev njegovih posledic, na primer s spremljajočimi družbenimi ukrepi, usmerjenimi predvsem v pomoč pri prezaposlitvi ali prekvalifikaciji teh delavcev.

**30. člen – Pravica do varstva pred revščino in socialno izključenostjo**

Da bi zagotavljale učinkovito uresničevanje pravice do varstva pred revščino in socialno izključenostjo, se pogodbenice zavezujejo, da:

a) s celovitim in usklajenim pristopom sprejmejo ukrepe, s katerimi spodbujajo učinkovit dostop predvsem do zaposlitve, nastanitve, usposabljanja, izobrazbe, kulture in socialne ter zdravstvene pomoči osebam in njihovim družinam, ki živijo ali so v nevarnosti, da bi živele socialno izključene ali v revščini;

b) ponovno proučijo te ukrepe z namenom, da bi jih po potrebi prilagodile.

**31. člen – Pravica do nastanitve**

Da bi zagotavljale učinkovito uresničevanje pravice do nastanitve, se pogodbenice zavezujejo, da sprejmejo ukrepe, s katerimi:

1. pospešujejo dostop do nastanitve primerne standarda;

2. preprečujejo in zmanjšujejo brezdomstvo z namenom, da bi ga postopno odpravile;

3. vplivajo na ceno nastanitve tako, da bo dostopna tistim brez zadostnih sredstev.

**III. del****Člen A – Obveznosti**

1. Razen če to nasprotuje določbam člena B spodaj, se vsaka pogodbenica obvezuje, da:

a) šteje I. del te listine kot izjavo o ciljih, za katere si bo prizadevala z vsemi ustreznimi sredstvi, kot je navedeno v uvodnem odstavku tega člena;

b) šteje kot zavezujoče najmanj šest od naslednjih devetih členov II. dela te listine: 1., 5., 6., 7., 12., 13., 16., 19. in 20. člena;

c) šteje kot zavezujoče dodatno število členov ali oštevilčenih odstavkov II. dela te listine, ki jih sme sama izbrati, tako da skupno število členov ali oštevilčenih odstavkov, ki jo zavezujejo, ni manjše od šestnajst členov ali trinšestdeset oštevilčenih odstavkov.

2. Člene ali odstavke, izbrane v skladu s točkama b) in c) prvega odstavka tega člena, je treba sporočiti generalnemu sekretarju Sveta Evrope ob deponiranju listine o ratifikaciji, sprejetju ali odobritvi.

3. Vsaka pogodbenica lahko kasneje z obvestilom, naslovljenim na generalnega sekretarja, izjavi, da šteje kot zavezujoč kateri koli člen ali oštevilčeni odstavek II. dela te listine, ki ga še ni sprejela pod pogoji prvega odstavka tega člena. Take kasneje sprejete obveznosti se štejejo kot sestavni del ratifikacije, sprejetja ali odobritve in imajo enak

ratification, acceptance or approval and shall have the same effect as from the first day of the month following the expiration of a period of one month after the date of the notification.

4 Each Party shall maintain a system of labour inspection appropriate to national conditions.

#### **Article B – Links with the European Social Charter and the 1988 Additional Protocol**

1 No Contracting Party to the European Social Charter or Party to the Additional Protocol of 5 May 1988 may ratify, accept or approve this Charter without considering itself bound by at least the provisions corresponding to the provisions of the European Social Charter and, where appropriate, of the Additional Protocol, to which it was bound.

2 Acceptance of the obligations of any provision of this Charter shall, from the date of entry into force of those obligations for the Party concerned, result in the corresponding provision of the European Social Charter and, where appropriate, of its Additional Protocol of 1988 ceasing to apply to the Party concerned in the event of that Party being bound by the first of those instruments or by both instruments.

### **Part IV**

#### **Article C – Supervision of the implementation of the undertakings contained in this Charter**

The implementation of the legal obligations contained in this Charter shall be submitted to the same supervision as the European Social Charter.

#### **Article D – Collective complaints**

1 The provisions of the Additional Protocol to the European Social Charter providing for a system of collective complaints shall apply to the undertakings given in this Charter for the States which have ratified the said Protocol.

2 Any State which is not bound by the Additional Protocol to the European Social Charter providing for a system of collective complaints may when depositing its instrument of ratification, acceptance or approval of this Charter or at any time thereafter, declare by notification addressed to the Secretary General of the Council of Europe, that it accepts the supervision of its obligations under this Charter following the procedure provided for in the said Protocol.

### **Part V**

#### **Article E – Nondiscrimination**

The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.

#### **Article F – Derogations in time of war or public emergency**

1 In time of war or other public emergency threatening the life of the nation any Party may take measures derogating from its obligations under this Charter to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

učinek od prvega dne meseca, ki sledi izteku enomesečnega obdobja po datumu obvestila.

4. Vsaka pogodbenica vzdržuje sistem inšpekcije dela, ki ustreza razmeram v državi.

#### **Člen B – Povezave z Evropsko socialno listino in Dodatnim protokolom iz leta 1988**

1. Nobena pogodbenica Evropske socialne listine ali Dodatnega protokola z dne 5. maja 1988 ne sme ratificirati, sprejeti ali odobriti te listine, ne da bi štela kot zavezujoče vsaj tiste določbe, ki ustrezajo določbam Evropske socialne listine, in kadar je primerno, Dodatnega protokola, ki sta bila zanjo zavezujoča.

2. Posledica sprejetja obveznosti iz katere koli določbe te listine je, da se od dneva začetka veljavnosti teh obveznosti za to pogodbenico zanjo prenehajo uporabljati ustrezne določbe Evropske socialne listine, in kadar je primerno, Dodatnega protokola iz leta 1988, če to pogodbenico zavezuje prvi od teh dokumentov ali oba.

### **IV. del**

#### **Člen C – Nadzor nad izpolnjevanjem obveznosti, vsebovanih v tej listini**

Izpolnjevanje pravnih obveznosti, vsebovanih v tej listini, je treba nadzorovati enako kot izpolnjevanje tistih iz Evropske socialne listine.

#### **Člen D – Kolektivne pritožbe**

1. Določbe Dodatnega protokola k Evropski socialni listini, ki ureja sistem kolektivnih pritožb, se nanašajo na obveznosti iz te listine za države, ki so ratificirale omenjeni protokol.

2. Vsaka država, ki je ne zavezuje Dodatni protokol k Evropski socialni listini, ki ureja sistem kolektivnih pritožb, sme pri deponiranju svoje listine o ratifikaciji, sprejetju ali odobritvi te listine ali kadar koli kasneje z obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope, izjaviti, da sprejema nadzor nad svojimi obveznostmi iz te listine po postopku, ki ga določa omenjeni protokol.

### **V. del**

#### **Člen E – Prepoved razlikovanja**

Uživanje pravic, določenih v tej listini, je zagotovljeno brez razlikovanja na kakršni koli podlagi, kot so rasa, barva, spol, jezik, vera, politično ali drugo prepričanje, narodnostno poreklo ali socialni izvor, zdravje, povezanost z narodno manjšino, rojstvo ali druga okoliščina.

#### **Člen F – Razveljavitev obveznosti v času vojne ali splošne nevarnosti**

1. V času vojne ali druge splošne nevarnosti, ki ogroža življenje naroda, lahko vsaka pogodbenica z ukrepi razveljavi obveznosti iz te listine do stopnje, ki jo izrecno zahteva kritičnost položaja, če ti ukrepi niso v nasprotju z njenimi drugimi obveznostmi po mednarodnem pravu.

2 Any Party which has availed itself of this right of derogation shall, within a reasonable lapse of time, keep the Secretary General of the Council of Europe fully informed of the measures taken and of the reasons therefor. It shall likewise inform the Secretary General when such measures have ceased to operate and the provisions of the Charter which it has accepted are again being fully executed.

#### Article G – Restrictions

1 The rights and principles set forth in Part I when effectively realised, and their effective exercise as provided for in Part II, shall not be subject to any restrictions or limitations not specified in those parts, except such as are prescribed by law and are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals.

2 The restrictions permitted under this Charter to the rights and obligations set forth herein shall not be applied for any purpose other than that for which they have been prescribed.

#### Article H – Relations between the Charter and domestic law or international agreements

The provisions of this Charter shall not prejudice the provisions of domestic law or of any bilateral or multilateral treaties, conventions or agreements which are already in force, or may come into force, under which more favourable treatment would be accorded to the persons protected.

#### Article I – Implementation of the undertakings given

1 Without prejudice to the methods of implementation foreseen in these articles the relevant provisions of Articles 1 to 31 of Part II of this Charter shall be implemented by:

- a laws or regulations;
- b agreements between employers or employers organisations and workers organisations;
- c a combination of those two methods;
- d other appropriate means.

2 Compliance with the undertakings deriving from the provisions of paragraphs 1, 2, 3, 4, 5 and 7 of Article 2, paragraphs 4, 6 and 7 of Article 7, paragraphs 1, 2, 3 and 5 of Article 10 and Articles 21 and 22 of Part II of this Charter shall be regarded as effective if the provisions are applied, in accordance with paragraph 1 of this article, to the great majority of the workers concerned.

#### Article J – Amendments

1 Any amendment to Parts I and II of this Charter with the purpose of extending the rights guaranteed in this Charter as well as any amendment to Parts III to VI, proposed by a Party or by the Governmental Committee, shall be communicated to the Secretary General of the Council of Europe and forwarded by the Secretary General to the Parties to this Charter.

2 Any amendment proposed in accordance with the provisions of the preceding paragraph shall be examined by the Governmental Committee which shall submit the text adopted to the Committee of Ministers for approval after consultation with the Parliamentary Assembly. After its approval by the Committee of Ministers this text shall be forwarded to the Parties for acceptance.

3 Any amendment to Part I and to Part II of this Charter shall enter into force, in respect of those Parties which have

2. Vsaka pogodbenica, ki je izkoristila to pravico do razveljavitve, mora v razumnih rokih v celoti obveščati generalnega sekretarja Sveta Evrope o sprejetih ukrepih in razlogih zanje. Prav tako mora generalnega sekretarja obvestiti, ko ti ukrepi prenehajo veljati in se spet v celoti uporabljajo sprejete določbe te listine.

#### Člen G – Omejitve

1. Za učinkovito uresničevanje pravic in načel, določenih v I. delu, in za njihovo učinkovito izvajanje v skladu z II. delom, ne veljajo nobene omejitve, ki niso posebej navedene v teh delih, razen tistih, ki so predpisane z zakonom in so v demokratični družbi nujne za zaščito pravic in svoboščin drugih ali za zaščito javnega interesa, državne varnosti, javnega zdravja ali morale.

2. Omejitve, ki jih dovoljuje ta listina glede pravic in obveznosti, določenih v njej, se ne smejo uporabljati za druge namene, razen za tiste, za katere so bile predpisane.

#### Člen H – Razmerja med to listino in notranjim pravom ali mednarodnimi sporazumi

Določbe te listine ne omejujejo določb notranjega prava ali katerih koli dvostranskih ali večstranskih pogodb, konvencij ali sporazumov, ki že veljajo ali bi lahko začeli veljati in bi ugodneje obravnavale varovane osebe.

#### Člen I – Izpolnjevanje sprejetih obveznosti

1. Ne da bi škodovalo načinom izpolnjevanja, predvidenim v teh členih, se ustrezna določila 1. do 31. člena II. dela te listine izvajajo:

- a) z zakoni ali drugimi predpisi;
- b) s sporazumi med delodajalci ali organizacijami delodajalcev in organizacijami delavcev;
- c) s kombinacijo teh dveh načinov;
- d) z drugimi primernimi sredstvi.

2. Izpolnjevanje obveznosti, ki izhajajo iz določb prvega, drugega, tretjega, četrtega, petega in sedmega odstavka 2. člena, četrtega, šestega in sedmega odstavka 7. člena, prvega, drugega, tretjega in petega odstavka 10. člena ter 21. in 22. člena II. dela te listine, se šteje za učinkovito, če se te določbe v skladu s prvim odstavkom tega člena uporabljajo za veliko večino delavcev, na katere se nanašajo.

#### Člen J – Spremembe

1. Vsaka sprememba I. in II. dela te listine, katere namen je razširitev pravic, zajamčenih v tej listini, kakor tudi vsaka sprememba III. do VI. dela, ki jo predlaga pogodbenica ali Vladni odbor, se sporoči generalnemu sekretarju Sveta Evrope, ta pa jo pošlje pogodbenicam te listine.

2. Vsako spremembo, ki se predlaga v skladu z določbami prejšnjega odstavka, prouči Vladni odbor, ki predloži sprejeto besedilo Odboru ministrov v odobritev po posvetu s Parlamentarno skupščino. Ko Odbor ministrov spremembo odobri, jo pošlje pogodbenicam v sprejetje.

3. Vsaka sprememba I. in II. dela te listine začne za tiste pogodbenice, ki so jo sprejele, veljati prvi dan meseca

accepted it, on the first day of the month following the expiration of a period of one month after the date on which three Parties have informed the Secretary General that they have accepted it.

In respect of any Party which subsequently accepts it, the amendment shall enter into force on the first day of the month following the expiration of a period of one month after the date on which that Party has informed the Secretary General of its acceptance.

4 Any amendment to Parts III to VI of this Charter shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General that they have accepted it.

## Part VI

### Article K – Signature, ratification and entry into force

1 This Charter shall be open for signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2 This Charter shall enter into force on the first day of the month following the expiration of a period of one month after the date on which three member States of the Council of Europe have expressed their consent to be bound by this Charter in accordance with the preceding paragraph.

3 In respect of any member State which subsequently expresses its consent to be bound by this Charter, it shall enter into force on the first day of the month following the expiration of a period of one month after the date of the deposit of the instrument of ratification, acceptance or approval.

### Article L – Territorial application

1 This Charter shall apply to the metropolitan territory of each Party. Each signatory may, at the time of signature or of the deposit of its instrument of ratification, acceptance or approval, specify, by declaration addressed to the Secretary General of the Council of Europe, the territory which shall be considered to be its metropolitan territory for this purpose.

2 Any signatory may, at the time of signature or of the deposit of its instrument of ratification, acceptance or approval, or at any time thereafter, declare by notification addressed to the Secretary General of the Council of Europe, that the Charter shall extend in whole or in part to a nonmetropolitan territory or territories specified in the said declaration for whose international relations it is responsible or for which it assumes international responsibility. It shall specify in the declaration the articles or paragraphs of Part II of the Charter which it accepts as binding in respect of the territories named in the declaration.

3 The Charter shall extend its application to the territory or territories named in the aforesaid declaration as from the first day of the month following the expiration of a period of one month after the date of receipt of the notification of such declaration by the Secretary General.

4 Any Party may declare at a later date by notification addressed to the Secretary General of the Council of Europe that, in respect of one or more of the territories to which the Charter has been applied in accordance with paragraph 2 of this article, it accepts as binding any articles or any numbered paragraphs which it has not already accepted in respect of that territory or territories. Such undertakings subsequently given shall be deemed to be an inte-

ki sledi izteku enomesečnega obdobja po dnevu, ko so tri pogodbenice obvestile generalnega sekretarja o sprejetju spremembe.

Za pogodbenico, ki jo kasneje sprejme, začne sprememba veljati prvi dan meseca, ki sledi izteku enomesečnega obdobja po dnevu, ko je ta pogodbenica obvestila generalnega sekretarja o sprejetju spremembe.

4. Vsaka sprememba III. do VI. dela te listine začne veljati prvi dan meseca, ki sledi izteku enomesečnega obdobja po dnevu, ko so vse pogodbenice obvestile generalnega sekretarja o sprejetju spremembe.

## VI. del

### Člen K – Podpis, ratifikacija in začetek veljavnosti

1. To listino lahko podpišejo države članice Sveta Evrope. Predloži se v ratifikacijo, sprejetje ali odobritev. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

2. Ta listina začne veljati prvi dan meseca, ki sledi izteku enomesečnega obdobja po dnevu, ko so tri države članice Sveta Evrope v skladu s prejšnjim odstavkom soglašale s tem, da bo ta listina zanje zavezujoča.

3. Za državo članico, ki kasneje soglašala s tem, da bo ta listina zanje zavezujoča, začne ta veljati prvi dan meseca, ki sledi izteku enomesečnem obdobju po dnevu deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

### Člen L – Uporaba na ozemlju

1. Ta listina se uporablja na matičnem ozemlju vsake pogodbenice. Vsaka podpisnica lahko ob podpisu ali deponiranju svoje listine o ratifikaciji, sprejetju ali odobritvi v izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, opredeli ozemlje, ki se za ta namen šteje za njeno matično ozemlje.

2. Vsaka podpisnica lahko ob podpisu ali deponiranju svoje listine o ratifikaciji, sprejetju ali odobritvi ali kadar koli kasneje z obvestilom generalnemu sekretarju Sveta Evrope izjavi, da se uporaba te listine v celoti ali delno razširi na nematično ozemlje ali ozemlja, ki jih opredeli v omenjeni izjavi in za katerih mednarodne odnose je odgovorna ali zanje prevzema mednarodno odgovornost. V izjavi opredeli člene ali odstavke II. dela te listine, ki jih sprejme kot zavezujoče za ozemlja, navedena v izjavi.

3. Ta listina se začne uporabljati na ozemlju ali ozemljih, navedenih v omenjeni izjavi, prvi dan meseca, ki sledi izteku enomesečnega obdobja po dnevu prejema obvestila generalnega sekretarja o tej izjavi.

4. Vsaka pogodbenica lahko kasneje z obvestilom generalnemu sekretarju Sveta Evrope izjavi, da za eno ali več ozemelj, na katerih se je uporabljala ta listina v skladu z drugim odstavkom tega člena, sprejme kot zavezujoče člene ali oštevilčene odstavke, ki jih še ni sprejela za to ozemlje ali ozemlja. Te kasneje sprejete obveznosti se štejejo za sestavni del izvorne izjave za obravnavano ozemlje in imajo enak učinek od prvega dne meseca, ki sledi izteku enome-



gral part of the original declaration in respect of the territory concerned, and shall have the same effect as from the first day of the month following the expiration of a period of one month after the date of receipt of such notification by the Secretary General.

#### Article M – Denunciation

1 Any Party may denounce this Charter only at the end of a period of five years from the date on which the Charter entered into force for it, or at the end of any subsequent period of two years, and in either case after giving six months' notice to the Secretary General of the Council of Europe who shall inform the other Parties accordingly.

2 Any Party may, in accordance with the provisions set out in the preceding paragraph, denounce any article or paragraph of Part II of the Charter accepted by it provided that the number of articles or paragraphs by which this Party is bound shall never be less than sixteen in the former case and sixtythree in the latter and that this number of articles or paragraphs shall continue to include the articles selected by the Party among those to which special reference is made in Article A, paragraph 1, subparagraph b.

3 Any Party may denounce the present Charter or any of the articles or paragraphs of Part II of the Charter under the conditions specified in paragraph 1 of this article in respect of any territory to which the said Charter is applicable, by virtue of a declaration made in accordance with paragraph 2 of Article L.

#### Article N – Appendix

The appendix to this Charter shall form an integral part of it.

#### Article O – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council and the Director General of the International Labour Office of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance or approval;
- c any date of entry into force of this Charter in accordance with Article K;
- d any declaration made in application of Articles A, paragraphs 2 and 3, D, paragraphs 1 and 2, F, paragraph 2, L, paragraphs 1, 2, 3 and 4;
- e any amendment in accordance with Article J;
- f any denunciation in accordance with Article M;
- g any other act, notification or communication relating to this Charter.

In witness whereof, the undersigned, being duly authorised thereto, have signed this revised Charter.

Done at Strasbourg, this 3rd day of May 1996, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to the Director General of the International Labour Office.

sečnega obdobja po dnevu, ko to obvestilo prejme generalni sekretar.

#### Člen M – Odpoved

1. Vsaka pogodbenica lahko odpove to listino samo po izteku obdobja petih let od dneva, ko je ta lista za njo začela veljati, ali po izteku vsakega kasnejšega obdobja dveh let, v vsakem primeru pa z iztekom šestih mesecev od obvestila generalnemu sekretarju Sveta Evrope, ki to sporoči drugim pogodbenicam.

2. Vsaka pogodbenica lahko v skladu z določbami prejšnjega odstavka odpove kateri koli člen ali odstavek II. dela te listine, ki ga je sprejela, pod pogojem, da število členov ali odstavkov, ki so zavezujoči za to pogodbenico, nikoli ni manjše kot šestnajst členov v prvem primeru in triinšestdeset odstavkov v drugem primeru in da to število vključuje člene ali odstavke, ki jih pogodbenica izbere med posebej navedenimi v točki b) prvega odstavka člena A.

3. Vsaka pogodbenica lahko odpove to listino ali kateri koli člen ali odstavek II. dela te listine pod pogoji, navedeni v prvem odstavku tega člena, za vsako ozemlje, na katerem se uporablja omenjena lista z izjavo, dano v skladu z drugim odstavkom člena L.

#### Člen N – Dodatek

Dodatek k tej listini je njen sestavni del.

#### Člen O – Obvestila

Generalni sekretar Sveta Evrope obvesti države članice Sveta in generalnega direktorja Mednarodnega urada za delo o:

- a) vsakem podpisu;
- b) deponiranju vsake listine o ratifikaciji, sprejetju ali odobritvi;
- c) vsakem datumu začetka veljavnosti te listine v skladu s členom K;
- d) vsaki izjavi, dani v zvezi z uporabo drugega in tretjega odstavka člena A, prvega in drugega odstavka člena D, drugega odstavka člena F in prvega, drugega, tretjega in četrtega odstavka člena L;
- e) vsaki spremembi v skladu s členom J;
- f) vsaki odpovedi v skladu s členom M;
- g) vsakem drugem aktu, obvestilu ali sporočilu v zvezi s to listino.

V potrditev tega so spodaj podpisani, ki so za to pravilno pooblašteni, podpisali to spremenjeno listino.

Sklenjeno v Strasbourgu 3. maja 1996 v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojnosti, v enem izvodu, ki se deponira v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjeno kopijo vsaki državi članici Sveta Evrope in generalnemu direktorju Mednarodnega urada za delo.

## APPENDIX TO THE REVISED EUROPEAN SOCIAL CHARTER

### Scope of the Revised European Social Charter in terms of persons protected

1 Without prejudice to Article 12, paragraph 4, and Article 13, paragraph 4, the persons covered by Articles 1 to 17 and 20 to 31 include foreigners only in so far as they are nationals of other Parties lawfully resident or working regularly within the territory of the Party concerned, subject to the understanding that these articles are to be interpreted in the light of the provisions of Articles 18 and 19.

This interpretation would not prejudice the extension of similar facilities to other persons by any of the Parties.

2 Each Party will grant to refugees as defined in the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951 and in the Protocol of 31 January 1967, and lawfully staying in its territory, treatment as favourable as possible, and in any case not less favourable than under the obligations accepted by the Party under the said convention and under any other existing international instruments applicable to those refugees.

3 Each Party will grant to stateless persons as defined in the Convention on the Status of Stateless Persons done in New York on 28 September 1954 and lawfully staying in its territory, treatment as favourable as possible and in any case not less favourable than under the obligations accepted by the Party under the said instrument and under any other existing international instruments applicable to those stateless persons.

### Part I, paragraph 18, and Part II, Article 18, paragraph 1

It is understood that these provisions are not concerned with the question of entry into the territories of the Parties and do not prejudice the provisions of the European Convention on Establishment, signed in Paris on 13 December 1955.

### Part II

#### Article 1, paragraph 2

This provision shall not be interpreted as prohibiting or authorising any union security clause or practice.

#### Article 2, paragraph 6

Parties may provide that this provision shall not apply:

- a to workers having a contract or employment relationship with a total duration not exceeding one month and/or with a working week not exceeding eight hours;
- b where the contract or employment relationship is of a casual and/or specific nature, provided, in these cases, that its nonapplication is justified by objective considerations.

## DODATEK K SPREMENJENI EVROPSKI SOCIALNI LISTINI

### Obseg spremenjene Evropske socialne listine glede varovanih oseb

1. Ne glede na četrty odstavek 12. člena in četrty odstavek 13. člena so osebe, na katere se nanašajo 1. do 17. člen in 20. do 31. člen, samo tisti tujci, ki so državljani drugih pogodbenic in zakonito prebivajo ali so redno zaposleni na ozemlju ene od pogodbenic, pri čemer se razume, da se ti členi razlagajo v smislu določb 18. in 19. člena.

Ta razlaga nobene pogodbenice ne ovira pri širitvi podobnih ugodnosti na druge osebe.

2. Vsaka pogodbenica bo zagotovila beguncem, kot jih opredelujeta Konvencija o statusu beguncev, podpisana v Ženevi 28. julija 1951, in Protokol z dne 31. januarja 1967, ki zakonito bivajo na njenem ozemlju, kolikor mogoče ugodno obravnavanje in v nobenem primeru manj ugodno, kot je v skladu z obveznostmi, ki jih je pogodbenica sprejela po omenjeni konvenciji in po drugih mednarodnih sporazumih, ki se uporabljajo za te begunce.

3. Vsaka pogodbenica bo zagotovila osebam brez državljanstva, kot jih opredeljuje Konvencija o statusu oseb brez državljanstva, sestavljena v New Yorku 28. septembra 1954, ki zakonito bivajo na njenem ozemlju, kolikor mogoče ugodno obravnavanje, in v nobenem primeru manj ugodno, kot je v skladu z obveznostmi pogodbenice po omenjenem dokumentu in po drugih mednarodnih sporazumih, ki se uporabljajo za te osebe brez državljanstva.

### I. del, osemnajsti odstavek in II. del, prvi odstavek 18. člena

Razume se, da se te določbe ne nanašajo na vstop na ozemlja pogodbenic in ne omejujejo določb Evropske konvencije o ustanavljanju, podpisane v Parizu 13. decembra 1955.

### II. del

#### 1. člen, drugi odstavek

Ta določba se ne sme razlagati tako, kot da prepoveduje ali odobrava kakršno koli klavzulo o sindikalnem varstvu ali prakso.

#### 2. člen, šesti odstavek

Pogodbenice lahko določijo, da se ta določba ne uporablja:

- a) za delavce s pogodbo ali v zaposlitvenem razmerju, katerega skupno trajanje ni daljše kot en mesec in/ali katerega delovni teden ni daljši kot osem ur;
- b) če je pogodba ali zaposlitveno razmerje priložnostne in/ali posebne narave, kadar je v teh primerih neuporaba te določbe upravičena iz objektivnih razlogov.

**Article 3, paragraph 4**

It is understood that for the purposes of this provision the functions, organisation and conditions of operation of these services shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

**Article 4, paragraph 4**

This provision shall be so understood as not to prohibit immediate dismissal for any serious offence.

**Article 4, paragraph 5**

It is understood that a Party may give the undertaking required in this paragraph if the great majority of workers are not permitted to suffer deductions from wages either by law or through collective agreements or arbitration awards, the exceptions being those persons not so covered.

**Article 6, paragraph 4**

It is understood that each Party may, insofar as it is concerned, regulate the exercise of the right to strike by law, provided that any further restriction that this might place on the right can be justified under the terms of Article G.

**Article 7, paragraph 2**

This provision does not prevent Parties from providing in their legislation that young persons not having reached the minimum age laid down may perform work in so far as it is absolutely necessary for their vocational training where such work is carried out in accordance with conditions prescribed by the competent authority and measures are taken to protect the health and safety of these young persons.

**Article 7, paragraph 8**

It is understood that a Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under eighteen years of age shall not be employed in night work.

**Article 8, paragraph 2**

This provision shall not be interpreted as laying down an absolute prohibition. Exceptions could be made, for instance, in the following cases:

- a if an employed woman has been guilty of misconduct which justifies breaking off the employment relationship;
- b if the undertaking concerned ceases to operate;
- c if the period prescribed in the employment contract has expired.

**Article 12, paragraph 4**

The words "and subject to the conditions laid down in such agreements" in the introduction to this paragraph are taken to imply *inter alia* that with regard to benefits which are available independently of any insurance contribution, a Party may require the completion of a prescribed period of residence before granting such benefits to nationals of other Parties.

**3. člen, četrti odstavek**

Razume se, da se za namene uresničevanja te določbe naloge, organizacija in pogoji delovanja teh služb določajo z zakoni ali drugimi notranjimi predpisi, s kolektivnimi pogodbami ali z drugimi sredstvi, ki ustrezajo razmeram v državi.

**4. člen, četrti odstavek**

Ta določba se razume tako, da ne prepoveduje takojšnjega odpusta za katero koli resnejšo kršitev.

**4. člen, peti odstavek**

Razume se, da pogodbenica izpolnjuje obveznost iz tega odstavka, če odtegljaji od plač po zakonu ali kolektivnih pogodbah ali arbitražnih odločitvah za veliko večino delavcev niso dovoljeni, pri čemer so edina izjema osebe, za katere ti akti ne veljajo.

**6. člen, četrti odstavek**

Razume se, da lahko vsaka pogodbenica, če jo to zadeva, z zakonom uredi uresničevanje pravice do stavke, če je mogoče vsako nadaljnjo omejitev te pravice utemeljiti v skladu s pogoji člena G.

**7. člen, drugi odstavek**

Ta določba pogodbenicam ne preprečuje, da ne bi s svojo zakonodajo določile, da smejo mladostniki, ki še niso dosegli najnižje predpisane starosti, opravljati neko delo, če je to nujno potrebno za njihovo poklicno usposabljanje, pri katerem se takšno delo opravlja v skladu s pogoji, ki jih predpiše pristojni organ, in ob izvajanju ukrepov za varnost in varstvo zdravja teh mladostnikov.

**7. člen, osmi odstavek**

Razume se, da pogodbenica izpolnjuje obveznosti iz tega odstavka, če je v duhu te obveznosti z zakonom predvidela, da velika večina mladostnikov, mlajših od 18 let, ne bo opravljala nočnega dela.

**8. člen, drugi odstavek**

Ta določba se ne sme razlagati tako, kot da predpisuje popolno prepoved. Izjeme so na primer možne v naslednjih primerih:

- a) če je delavka kršila delovno dolžnost, ki opravičuje prenehanje delovnega razmerja;
- b) če podjetje preneha poslovati;
- c) če je potekel čas, določen v pogodbi o zaposlitvi.

**12. člen, četrti odstavek**

Besedilo "ter v skladu s pogoji, določenimi v teh sporazumih" v uvodu tega odstavka pomeni med drugim, da lahko pogodbenica, preden prizna državljanom drugih pogodbenic ugodnosti, ki so neodvisne od katerih koli prispevkov za zavarovanje, zahteva izpolnitev predpisane dobe bivanja.

**Article 13, paragraph 4**

Governments not Parties to the European Convention on Social and Medical Assistance may ratify the Charter in respect of this paragraph provided that they grant to nationals of other Parties a treatment which is in conformity with the provisions of the said convention.

**Article 16**

It is understood that the protection afforded in this provision covers singleparent families.

**Article 17**

It is understood that this provision covers all persons below the age of 18 years, unless under the law applicable to the child majority is attained earlier, without prejudice to the other specific provisions provided by the Charter, particularly Article 7.

This does not imply an obligation to provide compulsory education up to the abovementioned age.

**Article 19, paragraph 6**

For the purpose of applying this provision, the term "family of a foreign worker" is understood to mean at least the worker's spouse and unmarried children, as long as the latter are considered to be minors by the receiving State and are dependent on the migrant worker.

**Article 20**

1 It is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivors benefit, may be excluded from the scope of this article.

2 Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the postnatal period, shall not be deemed to be discrimination as referred to in this article.

3 This article shall not prevent the adoption of specific measures aimed at removing *de facto* inequalities.

4 Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

**Articles 21 and 22**

1 For the purpose of the application of these articles, the term "workers' representatives" means persons who are recognised as such under national legislation or practice.

2 The terms "national legislation and practice" embrace as the case may be, in addition to laws and regulations, collective agreements, other agreements between employers and workers representatives, customs as well as relevant case law.

3 For the purpose of the application of these articles, the term "undertaking" is understood as referring to a set of tangible and intangible components, with or without legal

**13. člen, četrty odstavek**

Vlade, ki niso pogodbenice Evropske konvencije o socialni in zdravstveni pomoči, lahko ratificirajo to listino vključno s tem odstavkom, če državljanom drugih pogodbenic jamčijo obravnavanje v skladu z določbami omenjene konvencije.

**16. člen**

Razume se, da varstvo, ki se zagotavlja s to določbo, vključuje tudi enoroditeljske družine.

**17. člen**

Razume se, da ta določba vključuje vse osebe, mlajše od 18 let, razen če po zakonu, ki se zanje uporablja, polnoletnost dosežejo prej ne glede na druge posebne določbe te listine, zlasti določbe 7. člena.

To ne pomeni obveznosti zagotavljanja obveznega šolanja do zgoraj omenjene starosti.

**19. člen, šesti odstavek**

Za namene uporabe te določbe se razume, da izraz "družina tujega delavca" pomeni najmanj zakonca in neporočene otroke tega delavca, če jih država sprejemnica šteje za mladoletne in če jih zdomski delavec vzdržuje.

**20. člen**

1. Razume se, da so lahko zadeve v zvezi s socialno varnostjo in druge določbe v zvezi z nadomestilom za čas brezposelnosti, starostno pokojnino in družinsko pokojnino, izključene iz obsega uporabe tega člena.

2. Določbe o varstvu žensk, zlasti v zvezi z nosečnostjo, porodnim in poporodnim obdobjem, se ne štejejo kot diskriminacijska v smislu tega člena.

3. Ta člen ne preprečuje uvedbe posebnih ukrepov za odpravo dejanskih primerov neenakosti.

4. Poklicne dejavnosti, ki se zaradi narave ali okoliščin, v katerih se izvajajo, lahko zaupajo samo osebam določenege spola, se lahko izvamejo iz obsega uporabe tega člena ali nekaterih njegovih določb. Te določbe si ni mogoče razlagati tako, da bi morale pogodbenice v svojo zakonodajo vključiti seznam poklicev, ki jih zaradi svoje narave ali okoliščin, v katerih se izvajajo, lahko opravljajo samo osebe določenege spola.

**21. in 22. člen**

1. Za namen uporabe teh členov pomeni izraz "predstavniki delavcev" osebe, ki so v notranji zakonodaji ali praksi priznane kot take.

2. Izraza "notranja zakonodaja in praksa" glede na posamezni primer obsegata poleg zakonov in drugih predpisov kolektivne pogodbe, drugih sporazumov med delodajalci in predstavniki delavcev, običaje ter precedenčno pravo.

3. Za namen uporabe teh členov se izraz "podjetje" razume kot celota materialnih in nematerialnih elementov, ki je pravna oseba ali ne, ustanovljena za pridobitno proizvod-

personality, formed to produce goods or provide services for financial gain and with power to determine its own market policy.

4 It is understood that religious communities and their institutions may be excluded from the application of these articles, even if these institutions are "undertakings" within the meaning of paragraph 3. Establishments pursuing activities which are inspired by certain ideals or guided by certain moral concepts, ideals and concepts which are protected by national legislation, may be excluded from the application of these articles to such an extent as is necessary to protect the orientation of the undertaking.

5 It is understood that where in a state the rights set out in these articles are exercised in the various establishments of the undertaking, the Party concerned is to be considered as fulfilling the obligations deriving from these provisions.

6 The Parties may exclude from the field of application of these articles, those undertakings employing less than a certain number of workers, to be determined by national legislation or practice.

## Article 22

1 This provision affects neither the powers and obligations of states as regards the adoption of health and safety regulations for workplaces, nor the powers and responsibilities of the bodies in charge of monitoring their application.

2 The terms "social and socio-cultural services and facilities" are understood as referring to the social and/or cultural facilities for workers provided by some undertakings such as welfare assistance, sports fields, rooms for nursing mothers, libraries, childrens holiday camps, etc.

## Article 23, paragraph 1

For the purpose of the application of this paragraph, the term "for as long as possible" refers to the elderly person's physical, psychological and intellectual capacities.

## Article 24

1 It is understood that for the purposes of this article the terms "termination of employment" and "terminated" mean termination of employment at the initiative of the employer.

2 It is understood that this article covers all workers but that a Party may exclude from some or all of its protection the following categories of employed persons:

- a workers engaged under a contract of employment for a specified period of time or a specified task;
- b workers undergoing a period of probation or a qualifying period of employment, provided that this is determined in advance and is of a reasonable duration;
- c workers engaged on a casual basis for a short period.

3 For the purpose of this article the following, in particular, shall not constitute valid reasons for termination of employment:

- a trade union membership or participation in union activities outside working hours, or, with the consent of the employer, within working hours;
- b seeking office as, acting or having acted in the capacity of a workers' representative;
- c the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;

njo dobrin ali zagotavljanje storitev in določa lastno tržno politiko.

4. Razume se, da so verske skupnosti in njihove institucije lahko izvzete iz uporabe teh členov, tudi če so te ustanove "podjetja" v pomenu tretjega odstavka. Ustanove, ki pri dejavnostih sledijo določenim idealom ali jih vodijo določeni moralni interesi, ideali in interesi, ki jih štiti notranja zakonodaja, so lahko izvzete iz uporabe teh členov do take mere, kot je potrebno za zaščito usmeritve podjetja.

5. Če se v neki državi pravice, navedene v teh členih, uresničujejo v različnih delih podjetja, na katerega se ta obveznost nanaša, se to razume kot izpolnjevanje obveznosti pogodbence, ki izhajajo iz teh določb.

6. Pogodbence lahko iz uporabe teh členov izvzamejo tista podjetja, ki zaposlujejo manj kot določeno število delavcev, opredeljeno z notranjo zakonodajo ali prakso.

## 22. člen

1. Ta določba ne vpliva niti na pooblastila in obveznosti držav glede sprejemanja predpisov o zdravju in varnosti pri delu niti na pooblastila in odgovornosti organov, pristojnih za nadzor nad njihovo uporabo.

2. Razume se, da se izraz "socialne in socialno-kulturne službe in dejavnosti" nanašajo na socialne in/ali kulturne ugodnosti za delavce, ki jih zagotavljajo nekatera podjetja, kot so socialna pomoč, športna igrišča, prostori za doječe matere, knjižnice, otroški počitniški tabori itd.

## 23. člen, prvi odstavek

Za namen uporabe tega odstavka se izraz "tako dolgo, kot je mogoče" nanaša na fizične, psihološke in intelektualne zmožnosti starejše osebe.

## 24. člen

1. Razume se, da za namene tega člena izraza "prenehanje zaposlitve" in "prenehanje" pomenita prenehanje zaposlitve na pobudo delodajalca.

2. Razume se, da ta člen obsega vse delavce, vendar pa lahko pogodbenica delno ali v celoti iz svojega varstva izvzame naslednje kategorije zaposlenih delavcev:

- a) delavce s pogodbo o zaposlitvi za določen čas ali določeno nalogo;
- b) delavce v poskusni ali pripravniški dobi zaposlitve, če je ta vnaprej določena in razumno dolga;

c) delavce, najete priložnostno za kratek čas.

3. Za namen tega člena se še zlasti naslednji razlogi ne štejejo kot veljavni za prenehanje zaposlitve:

- a) članstvo v sindikatu ali udeležba v sindikalnih dejavnostih izven delovnega časa ali med delovnim časom s soglasjem delodajalca;
- b) kandidatura za predstavnika delavcev in sedanje ali preteklo opravljanje te funkcije;
- c) vložitev pritožbe ali udeležba v postopku proti delodajalcu, ki se nanaša na domnevno kršitev zakonov ali drugih predpisov, ali ugovor pri pristojnih upravnih organih;

d race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;

e maternity or parental leave;

f temporary absence from work due to illness or injury.

4 It is understood that compensation or other appropriate relief in case of termination of employment without valid reasons shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

#### Article 25

1 It is understood that the competent national authority may, by way of exemption and after consulting organisations of employers and workers, exclude certain categories of workers from the protection provided in this provision by reason of the special nature of their employment relationship.

2 It is understood that the definition of the term "insolvency" must be determined by national law and practice.

3 The workers claims covered by this provision shall include at least:

a the workers claims for wages relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or to the termination of employment;

b the workers claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of employment occurred;

c the workers claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or the termination of the employment.

4 National laws or regulations may limit the protection of workers' claims to a prescribed amount, which shall be of a socially acceptable level.

#### Article 26

It is understood that this article does not require that legislation be enacted by the Parties.

It is understood that paragraph 2 does not cover sexual harassment.

#### Article 27

It is understood that this article applies to men and women workers with family responsibilities in relation to their dependent children as well as in relation to other members of their immediate family who clearly need their care or support where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. The terms "dependent children" and "other members of their immediate family who clearly need their care and support" mean persons defined as such by the national legislation of the Party concerned.

#### Articles 28 and 29

For the purpose of the application of this article, the term "workers' representatives" means persons who are recognised as such under national legislation or practice.

d) rasa, barva, spol, zakonski stan, družinske obveznosti, nosečnost, vera, politično prepričanje, narodnostno poreklo ali socialni izvor;

e) porodniški ali starševski dopust;

f) začasna odsotnost z dela zaradi bolezni ali poškodbe.

4. Razume se, da je nadomestilo ali druga ustrezna odškodnina v primeru prenehanja zaposlitve brez veljavnih razlogov določena z zakoni in drugimi notranjimi predpisi, kolektivnimi pogodbami ali na drug način, ki ustreza razmeram v državi.

#### 25. člen

1. Razume se, da lahko pristojni državni organ po posvetovanju z organizacijami delodajalcev in delavcev izjema izvzame določene kategorije delavcev iz varstva, ki ga zagotavlja ta določba, zaradi posebne narave njihovega zaposlitvenega razmerja.

2. Razume se, da je treba izraz "plačilna nesposobnost" opredeliti z zakoni in prakso.

3. Zahtevki delavcev iz te določbe vsebujejo najmanj:

a) zahtevke delavcev za plače v predpisanem obdobju, ki ni krajše od treh mesecev po prednostnem sistemu in osem tednov po jamstvenem sistemu, pred plačilno nesposobnostjo ali prenehanjem zaposlitve;

b) zahtevke delavcev za plačan dopust, ki jim pripada kot rezultat dela, opravljenega med letom, v katerem je prišlo do plačilne nesposobnosti ali prenehanja zaposlitve;

c) zahtevke delavcev za zneske, ki jim pripadajo za druge vrste plačane odsotnosti in se nanašajo na predpisano obdobje, ki ni krajše od treh mesecev po prednostnem sistemu in osem tednov po jamstvenem sistemu pred plačilno nesposobnostjo ali prenehanjem zaposlitve.

4. Z zakoni ali drugimi notranjimi predpisi se lahko varstvo zahtevkov delavcev omeji na predpisani znesek v višini, ki je socialno sprejemljiva.

#### 26. člen

Razume se, da ta člen ne zahteva, da pogodbenice sprejmejo zakonodajo.

Razume se, da drugi odstavek ne vključuje spolnega nadlegovanja.

#### 27. člen

Razume se, da se ta člen uporablja za delavce in delavke z družinskimi obveznostmi do vzdrževanih otrok in drugih članov njihove ožje družine, ki očitno potrebujejo njihovo nego ali podporo, če take obveznosti omejujejo njihove možnosti za pripravo, začetek, sodelovanje ali napredovanje v pridobitni dejavnosti. Izraza "vzdrževani otroci" in "drugi člani njihove ožje družine, ki očitno potrebujejo njihovo nego ali podporo" pomenita osebe, ki jih kot take opredeljuje notranja zakonodaja pogodbenice.

#### 28. in 29. člen

Za namen uporabe tega člena pomeni izraz "predstavniki delavcev" osebe, ki jih kot take priznava notranja zakonodaja ali praksa.

**Part III**

It is understood that the Charter contains legal obligations of an international character, the application of which is submitted solely to the supervision provided for in Part IV thereof.

**Article A, paragraph 1**

It is understood that the numbered paragraphs may include articles consisting of only one paragraph.

**Article B, paragraph 2**

For the purpose of paragraph 2 of Article B, the provisions of the revised Charter correspond to the provisions of the Charter with the same article or paragraph number with the exception of:

- a Article 3, paragraph 2, of the revised Charter which corresponds to Article 3, paragraphs 1 and 3, of the Charter;
- b Article 3, paragraph 3, of the revised Charter which corresponds to Article 3, paragraphs 2 and 3, of the Charter;
- c Article 10, paragraph 5, of the revised Charter which corresponds to Article 10, paragraph 4, of the Charter;
- d Article 17, paragraph 1, of the revised Charter which corresponds to Article 17 of the Charter.

**Part V****Article E**

A differential treatment based on an objective and reasonable justification shall not be deemed discriminatory.

**Article F**

The terms "in time of war or other public emergency" shall be so understood as to cover also the *threat* of war.

**Article I**

It is understood that workers excluded in accordance with the appendix to Articles 21 and 22 are not taken into account in establishing the number of workers concerned.

**Article J**

The term "amendment" shall be extended so as to cover also the addition of new articles to the Charter.

**III. del**

Razume se, da ta listina vsebuje mednarodnopravne obveznosti, njihova uporaba pa se nadzira izključno v skladu z določbami IV. dela te listine.

**Člen A, prvi odstavek**

Razume se, da oštevilčeni odstavki lahko pomenijo člene z enim samim odstavkom.

**Člen B, drugi odstavek**

Za namen drugega odstavka člena B določbe spremenjene listine ustrezajo določbam listine z isto številko člena ali odstavka z izjemo:

- a) drugega odstavka 3. člena spremenjene listine, ki ustreza prvemu in tretjemu odstavku 3. člena listine;
- b) tretjega odstavka 3. člena spremenjene listine, ki ustreza drugemu in tretjemu odstavku 3. člena listine;
- c) petega odstavka 10. člena spremenjene listine, ki ustreza četrtemu odstavku 10. člena listine;
- d) prvega odstavka 17. člena spremenjene listine, ki ustreza 17. členu listine.

**V. del****Člen E**

Različno obravnavanje, ki temelji na objektivni in razumni utemeljitvi, se ne šteje za diskriminacijsko.

**Člen F**

Izraz "v času vojne ali druge splošne nevarnosti" se razume tako, da vključuje tudi vojno nevarnost.

**Člen I**

Razume se, da se delavci, izvzeti v skladu z dodatkom k 21. in 22. členu, ne upoštevajo pri ugotavljanju števila teh delavcev.

**Člen J**

Izraz "sprememba" se razširi tako, da obsega tudi člene, ki so listini dodani na novo.

**3. člen**

Republika Slovenija ob deponiranju listine o ratifikaciji Evropske socialne listine (spremenjene) izjavi v skladu s členom A III. dela te listine in na podlagi člena G V. dela, da jo do drugačnega obvestila generalnemu sekretarju Sveta Evrope ne zavezujejo prvi in četrty odstavek 13. člena II. dela te listine in drugi odstavek 18. člena II. dela te listine.

**4. člen**

Vlada Republike Slovenije ob deponiranju listine o ratifikaciji Evropske socialne listine (spremenjene) izjavi, da v skladu z drugim odstavkom člena D IV. dela listine sprejema nadzor nad svojimi obveznostmi iz te listine po postopku, ki ga določa Dodatni protokol k Evropski socialni listini, ki ureja sistem kolektivnih pritožb, sklenjen v Strasbourgu 9. novembra 1995.

Dodatni protokol se objavi hkrati s tem zakonom.

## 5. člen

Za izvajanje Evropske socialne listine (spremenjene) skrbi Ministrstvo za delo, družino in socialne zadeve.

## 6. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije - Mednarodne pogodbe.

Št. 540-01/98-13/1

Ljubljana, dne 11. marca 1999

Predsednik  
Državnega zbora  
Republike Slovenije  
**Janez Podobnik, dr. med. l. r.**

**ADDITIONAL PROTOCOL  
TO THE EUROPEAN SOCIAL CHARTER  
PROVIDING FOR A SYSTEM OF COLLECTIVE  
COMPLAINTS**

**Preamble**

The member States of the Council of Europe, signatories to this Protocol to the European Social Charter, opened for signature in Turin on 18 October 1961 (hereinafter referred to as "the Charter");

Resolved to take new measures to improve the effective enforcement of the social rights guaranteed by the Charter;

Considering that this aim could be achieved in particular by the establishment of a collective complaints procedure, which, *inter alia*, would strengthen the participation of management and labour and of nongovernmental organisations,

Have agreed as follows:

**Article 1**

The Contracting Parties to this Protocol recognise the right of the following organisations to submit complaints alleging unsatisfactory application of the Charter:

**a** international organisations of employers and trade unions referred to in paragraph 2 of Article 27 of the Charter;

**b** other international nongovernmental organisations which have consultative status with the Council of Europe and have been put on a list established for this purpose by the Governmental Committee;

**c** representative national organisations of employers and trade unions within the jurisdiction of the Contracting Party against which they have lodged a complaint.

**Article 2**

1. Any Contracting State may also, when it expresses its consent to be bound by this Protocol, in accordance with the provisions of Article 13, or at any moment thereafter, declare that it recognises the right of any other representative national nongovernmental organisation within its jurisdiction which has particular competence in the matters governed by the Charter, to lodge complaints against it.

**DODATNI PROTOKOL  
K EVROPSKI SOCIALNI LISTINI,  
KI UREJA SISTEM KOLEKTIVNIH  
PRITOŽB**

**Uvod**

Države članice Sveta Evrope, podpisnice tega protokola k Evropski socialni listini, ki je bila na voljo za podpis v Torinu 18. oktobra 1961 (v nadaljevanju "listina"), so se,

odločene sprejeti nove ukrepe za učinkovito uresničevanje socialnih pravic, ki jih zagotavlja listina,

ob upoštevanju dejstva, da se ta cilj lahko doseže predvsem z vzpostavitvijo postopka kolektivnih pritožb, ki bi med drugim okreplil udeležbo vodstva podjetja in delavcev ter nevladnih organizacij,

sporazumele o naslednjem:

**1. člen**

Pogodbenice tega protokola priznavajo pravico vložiti pritožbo o domnevni nezadovoljivi uporabi listine naslednjim organizacijam:

a) mednarodnim organizacijam delodajalcev in sindikatov iz drugega odstavka 27. člena listine;

b) drugim mednarodnim nevladnim organizacijam s posvetovalnim položajem pri Svetu Evrope in so na seznamu, ki ga je v ta namen sestavil Vladni odbor;

c) reprezentativnim nacionalnim organizacijam delodajalcev in sindikatov v okviru pristojnosti pogodbenice, proti kateri je bila vložena pritožba.

**2. člen**

1. Vsaka pogodbenica lahko, ko privoli, da jo zavezuje ta protokol, v skladu z določbami 13. člena ali kadar koli kasneje tudi izjavi, da kateri koli drugi reprezentativni nacionalni nevladni organizaciji v okviru njene pristojnosti, posebej pristojni za zadeve, ki jih ureja listina, priznava pravico do vložitve pritožbe proti njej.



2. Such declarations may be made for a specific period.  
3. The declarations shall be deposited with the Secretary General of the Council of Europe who shall transmit copies thereof to the Contracting Parties and publish them.

### Article 3

The international nongovernmental organisations and the national nongovernmental organisations referred to in Article 1.b and Article 2 respectively may submit complaints in accordance with the procedure prescribed by the aforesaid provisions only in respect of those matters regarding which they have been recognised as having particular competence.

### Article 4

The complaint shall be lodged in writing, relate to a provision of the Charter accepted by the Contracting Party concerned and indicate in what respect the latter has not ensured the satisfactory application of this provision.

### Article 5

Any complaint shall be addressed to the Secretary General who shall acknowledge receipt of it, notify it to the Contracting Party concerned and immediately transmit it to the Committee of Independent Experts.

### Article 6

The Committee of Independent Experts may request the Contracting Party concerned and the organisation which lodged the complaint to submit written information and observations on the admissibility of the complaint within such timelimit as it shall prescribe.

### Article 7

1. If it decides that a complaint is admissible, the Committee of Independent Experts shall notify the Contracting Parties to the Charter through the Secretary General. It shall request the Contracting Party concerned and the organisation which lodged the complaint to submit, within such timelimit as it shall prescribe, all relevant written explanations or information, and the other Contracting Parties to this Protocol, the comments they wish to submit, within the same timelimit.

2. If the complaint has been lodged by a national organisation of employers or a national trade union or by another national or international nongovernmental organisation, the Committee of Independent Experts shall notify the international organisations of employers or trade unions referred to in paragraph 2 of Article 27 of the Charter, through the Secretary General, and invite them to submit observations within such timelimit as it shall prescribe.

3. On the basis of the explanations, information or observations submitted under paragraphs 1 and 2 above, the Contracting Party concerned and the organisation which lodged the complaint may submit any additional written information or observations within such time limit as the Committee of Independent Experts shall prescribe.

4. In the course of the examination of the complaint, the Committee of Independent Experts may organise a hearing with the representatives of the parties.

2. Take izjave se lahko dajo za določen čas.  
3. Izjave se deponirajo pri generalnem sekretarju Sveta Evrope, ki kopije le-teh pošlje pogodbenicam in jih objavi.

### 3. člen

Mednarodne nevladne organizacije in nacionalne nevladne organizacije iz točke b) 1. člena in 2. člena lahko vložijo pritožbe v skladu s postopkom, ki ga predpisujejo omenjene določbe, le v zvezi s tistimi zadevami, za katere jim je bila priznana posebna pristojnost.

### 4. člen

Pritožba se vložijo v pisni obliki in se nanaša na določbo listine, ki jo je sprejela pogodbenica, ter v njej navede, v zvezi s čim ta pogodbenica ni zagotovila zadovoljive uporabe te določbe.

### 5. člen

Vsaka pritožba se naslovi na generalnega sekretarja, ki potrdi njen prejem in o njej obvesti to pogodbenico, ter jo nemudoma pošlje Odboru neodvisnih strokovnjakov.

### 6. člen

Odbor neodvisnih strokovnjakov lahko zaprosi to pogodbenico in organizacijo, ki je vložila pritožbo, da v roku, ki ga sam predpiše, predloži pisne informacije in mnenja o sprejemljivosti te pritožbe.

### 7. člen

1. Če Odbor neodvisnih strokovnjakov odloči, da je pritožba sprejemljiva, o tem prek generalnega sekretarja obvesti pogodbenice listine. Pogodbenico in organizacijo, ki je vložila pritožbo, zaprosi, da pisno predloži vsa potrebna pojasnila ali informacije v roku, ki ga sam predpiše, in druge pogodbenice tega protokola, da v enakem roku predložijo svoje morebitne pripombe.

2. Če je pritožbo vložila nacionalna organizacija delodajalcev ali nacionalni sindikat ali druga nacionalna ali mednarodna nevladna organizacija, Odbor neodvisnih strokovnjakov prek generalnega sekretarja o tem obvesti mednarodne organizacije delodajalcev ali sindikate iz drugega odstavka 27. člena listine in jih povabi, da predložijo mnenja v roku, ki ga sam predpiše.

3. Na podlagi pojasnil, informacij ali mnenj, predloženih v skladu s prvim in drugim odstavkom zgoraj, lahko pogodbenica in organizacija, ki je vložila pritožbo, predloži kakršne koli dodatne pisne informacije ali mnenja v roku, ki ga predpiše Odbor neodvisnih strokovnjakov.

4. Odbor neodvisnih strokovnjakov lahko med obravnavanjem pritožbe organizira razgovor s predstavniki strank.

**Article 8**

1. The Committee of Independent Experts shall draw up a report in which it shall describe the steps taken by it to examine the complaint and present its conclusions as to whether or not the Contracting Party concerned has ensured the satisfactory application of the provision of the Charter referred to in the complaint.

2. The report shall be transmitted to the Committee of Ministers. It shall also be transmitted to the organisation that lodged the complaint and to the Contracting Parties to the Charter, which shall not be at liberty to publish it.

It shall be transmitted to the Parliamentary Assembly and made public at the same time as the resolution referred to in Article 9 or no later than four months after it has been transmitted to the Committee of Ministers.

**Article 9**

1. On the basis of the report of the Committee of Independent Experts, the Committee of Ministers shall adopt a resolution by a majority of those voting. If the Committee of Independent Experts finds that the Charter has not been applied in a satisfactory manner, the Committee of Ministers shall adopt, by a majority of two-thirds of those voting, a recommendation addressed to the Contracting Party concerned. In both cases, entitlement to voting shall be limited to the Contracting Parties to the Charter.

2. At the request of the Contracting Party concerned, the Committee of Ministers may decide, where the report of the Committee of Independent Experts raises new issues, by a two-thirds majority of the Contracting Parties to the Charter, to consult the Governmental Committee.

**Article 10**

The Contracting Party concerned shall provide information on the measures it has taken to give effect to the Committee of Ministers' recommendation, in the next report which it submits to the Secretary General under Article 21 of the Charter.

**Article 11**

Articles 1 to 10 of this Protocol shall apply also to the articles of Part II of the first Additional Protocol to the Charter in respect of the States Parties to that Protocol, to the extent that these articles have been accepted.

**Article 12**

The States Parties to this Protocol consider that the first paragraph of the appendix to the Charter, relating to Part III, reads as follows:

"It is understood that the Charter contains legal obligations of an international character, the application of which is submitted solely to the supervision provided for in Part IV thereof and in the provisions of this Protocol."

**Article 13**

1. This Protocol shall be open for signature by member States of the Council of Europe signatories to the Charter, which may express their consent to be bound by:

a) signature without reservation as to ratification, acceptance or approval; or

**8. člen**

1. Odbor neodvisnih strokovnjakov sestavi poročilo, v katerem opiše, kako je obravnaval pritožbo, in predstavi svoje ugotovitve, ali pogodbenica je ali ni zagotovila zadovoljive uporabe določb listine, navedene v pritožbi.

2. Poročilo se pošlje Odboru ministrov. Pošlje se tudi organizaciji, ki je vložila pritožbo, in pogodbenicam listine, ki pa ga ne smejo objaviti.

Poročilo se pošlje Parlamentarni skupščini in se objavi skupaj s sklepom iz 9. člena ali najkasneje štiri mesece po tem, ko je bilo poslano Odboru ministrov.

**9. člen**

1. Na podlagi poročila Odbora neodvisnih strokovnjakov Odbor ministrov sprejme sklep z večino oddanih glasov. Če Odbor neodvisnih strokovnjakov ugotovi, da listina ni bila uporabljena na zadovoljiv način, Odbor ministrov z dvotretjinsko večino oddanih glasov sprejme priporočilo, naslovljeno na pogodbenico. V obeh primerih je pravica do glasovanja omejena na pogodbenice listine.

2. Na prošnjo pogodbenice lahko Odbor ministrov, če poročilo Odbora neodvisnih strokovnjakov zastavlja nova vprašanja, odloči z dvotretjinsko večino glasov pogodbenic listine, da se posvetuje z Vladnim odborom.

**10. člen**

Pogodbenica v naslednjem poročilu, ki ga predloži generalnemu sekretarju v skladu z 21. členom listine, navede informacije o ukrepih, ki jih je sprejela za izvajanje priporočila Odbora ministrov.

**11. člen**

Členi od 1 do 10 tega protokola se uporabljajo tudi za člene II. dela prvega Dodatnega protokola k listini glede držav pogodbenic navedenega protokola v obsegu, kot so bili ti členi sprejeti.

**12. člen**

Države pogodbenice tega protokola štejejo, da se prvi odstavek dodatka k listini, ki se nanaša na III. del, glasi:

»Razume se, da listina vsebuje mednarodnopravne obveznosti, katerih izvajanje je samo pod nadzorom, določenim s IV. delom listine in z določbami tega protokola.«

**13. člen**

1. Ta protokol je na voljo v podpis državam članicam Sveta Evrope, podpisnicam listine, ki lahko privolijo, da jih zavezuje:

a) podpis brez pridržka ratifikacije, sprejetja ali odbitve ali

**b** signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. A member State of the Council of Europe may not express its consent to be bound by this Protocol without previously or simultaneously ratifying the Charter.

3. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

#### Article 14

1. This Protocol shall enter into force on the first day of the month following the expiration of a period of one month after the date on which five member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 13.

2. In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of one month after the date of the deposit of the instrument of ratification, acceptance or approval.

#### Article 15

1. Any Party may at any time denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of twelve months after the date of receipt of such notification by the Secretary General.

#### Article 16

The Secretary General of the Council of Europe shall notify all the member States of the Council of:

- a** any signature;
- b** the deposit of any instrument of ratification, acceptance or approval;
- c** the date of entry into force of this Protocol in accordance with Article 14;
- d** any other act, notification or declaration relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 9th day of November 1995, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

b) podpis s pridržkom ratifikacije, sprejetja ali odobritve, ki mu sledi ratifikacija, sprejetje ali odobritev.

2. Država članica Sveta Evrope ne more izraziti soglasja, da jo ta protokol zavezuje, če ni prej ali hkrati ratificirala listine.

3. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

#### 14. člen

1. Ta protokol začne veljati prvi dan meseca, ki sledi poteku enega meseca po dnevu, ko je pet držav članic Sveta Evrope v skladu z določbami 13. člena privolilo, da jih protokol zavezuje.

2. Za vsako državo članico, ki kasneje privoli, da jo ta protokol zavezuje, ta začne veljati prvi dan meseca, ki sledi poteku enega meseca po dnevu deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

#### 15. člen

1. Vsaka pogodbenica lahko kadar koli odpove ta protokol, tako da o tem obvesti generalnega sekretarja Sveta Evrope.

2. Taka odpoved začne veljati prvi dan meseca, ki sledi poteku dvanajstih mesecev po dnevu, ko je generalni sekretar prejel tako obvestilo.

#### 16. člen

Generalni sekretar Sveta Evrope obvesti vse države članice Sveta o:

- a) vsakem podpisu;
- b) deponiranju vsake listine o ratifikaciji, sprejetju ali odobritvi;
- c) dnevu začetka veljavnosti tega protokola v skladu s 14. členom;
- d) vsakem drugem aktu, obvestilu ali izjavi v zvezi s tem protokolom.

V potrditev tega so spodaj podpisani, ki so za to pravilno pooblašteni, podpisali ta protokol.

Sklenjeno v Strasbourgu 9. novembra 1995 v angleškem in francoskem jeziku, pri čemer sta obe besedili enako verodostojni, v enem izvodu, ki se deponira v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope vsaki državi članici Sveta Evrope pošlje overjeno kopijo.

**21. Zakon o ratifikaciji Evropske konvencije o varstvu arheološke dediščine (spremenjene) (MEKVAD)**

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije Izdajam

**U K A Z****O RAZGLASITVI ZAKONA O RATIFIKACIJI EVROPSKE KONVENCIJE O VARSTVU ARHEOLOŠKE DEDIŠČINE (SPREMENJENE) (MEKVAD)**

Razglašam Zakon o ratifikaciji Evropske konvencije o varstvu arheološke dediščine (spremenjene) (MEKVAD), ki ga je sprejel Državni zbor Republike Slovenije na seji 25. marca 1999.

Št. 001-22-47/99  
Ljubljana, dne 2. aprila 1999

Predsednik  
Republike Slovenije  
**Milan Kučan** l. r.

**Z A K O N****O RATIFIKACIJI EVROPSKE KONVENCIJE O VARSTVU ARHEOLOŠKE DEDIŠČINE (SPREMENJENE) (MEKVAD)**

## 1. člen

Ratificira se Evropska konvencija o varstvu arheološke dediščine (spremenjena), sklenjena v La Valletti 16. januarja 1992.

## 2. člen

Konvencija se v angleškem izvirniku in v slovenskem prevodu glasi:

**EUROPEAN CONVENTION  
ON THE PROTECTION OF  
THE ARCHAEOLOGICAL HERITAGE  
(revised)**

Valetta, 16. I. 1992

**Preamble**

The member States of the Council of Europe and the other States party to the European Cultural Convention signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose, in particular, of safeguarding and realising the ideals and principles which are their common heritage;

Having regard to the European Cultural Convention signed in Paris on 19 December 1954, in particular Articles 1 and 5 thereof;

Having regard to the Convention for the Protection of the Architectural Heritage of Europe signed in Granada on 3 October 1985;

Having regard to the European Convention on Offences relating to Cultural Property signed in Delphi on 23 June 1985;

Having regard to the recommendations of the Parliamentary Assembly relating to archaeology and in particular Recommendations 848 (1978), 921 (1981) and 1072 (1988);

Having regard to Recommendation No. R (89) 5 concerning the protection and enhancement of the archaeological heritage in the context of town and country planning operations;

**EVROPSKA KONVENCIJA  
O VARSTVU  
ARHEOLOŠKE DEDIŠČINE  
(spremenjena)**

La Valletta, 16. januarja 1992

**Preambula**

Države članice Sveta Evrope in druge države pogodbenice Evropske kulturne konvencije, podpisnice te konvencije,

priznavajo, da je cilj Sveta Evrope uresničiti večjo enotnost med njegovimi članicami posebej z namenom, da se ohranijo in uveljavijo ideali in načela, ki so njihova skupna dediščina;

upoštevajo Evropsko kulturno konvencijo, podpisano v Parizu 19. decembra 1954, še posebej njen 1. in 5. člen;

upoštevajo Konvencijo o varstvu stavbne dediščine Evrope, podpisano v Granadi 3. oktobra 1985;

upoštevajo Evropsko konvencijo o protipravnih ravnanjih v zvezi s kulturnimi dobrinami, podpisano v Delfih 23. junija 1985;

upoštevajo priporočila Parlamentarne skupščine glede arheologije, še posebej priporočila št. 848 (1978), št. 921 (1981) in št. 1072 (1988);

upoštevajo Priporočilo št. R (89) 5 o varstvu in boljši predstavitvi arheološke dediščine javnosti v povezavi s posegi v mestni in podeželski prostor;

Recalling that the archaeological heritage is essential to a knowledge of the history of mankind;

Acknowledging that the European archaeological heritage, which provides evidence of ancient history, is seriously threatened with deterioration because of the increasing number of major planning schemes, natural risks, clandestine or unscientific excavations and insufficient public awareness;

Affirming that it is important to institute, where they do not yet exist, appropriate administrative and scientific supervision procedures, and that the need to protect the archaeological heritage should be reflected in town and country planning and cultural development policies;

Stressing that responsibility for the protection of the archaeological heritage should rest not only with the State directly concerned but with all European countries, the aim being to reduce the risk of deterioration and promote conservation by encouraging exchanges of experts and the comparison of experiences;

Noting the necessity to complete the principles set forth in the European Convention for the Protection of the Archaeological Heritage signed in London on 6 May 1969, as a result of evolution of planning policies in European countries,

Have agreed as follows:

### Definition of the archaeological heritage

#### Article 1

1. The aim of this (revised) Convention is to protect the archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study.

2. To this end shall be considered to be elements of the archaeological heritage all remains and objects and any other traces of mankind from past epochs:

i) the preservation and study of which help to retrace the history of mankind and its relation with the natural environment;

ii) for which excavations or discoveries and other methods of research into mankind and the related environment are the main sources of information; and

iii) which are located in any area within the jurisdiction of the Parties.

3. The archaeological heritage shall include structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water.

### Identification of the heritage and measures for protection

#### Article 2

Each Party undertakes to institute, by means appropriate to the State in question, a legal system for the protection of the archaeological heritage, making provision for:

i) the maintenance of an inventory of its archaeological heritage and the designation of protected monuments and areas;

ii) the creation of archaeological reserves, even where there are no visible remains on the ground or under water, for the preservation of material evidence to be studied by later generations;

iii) the mandatory reporting to the competent authorities by a finder of the chance discovery of elements of the archaeological heritage and making them available for examination.

opozarjajo, da je arheološka dediščina bistvena za spoznavanje preteklosti človeštva;

se zavedajo, da evropski arheološki dediščini, priči stare zgodovine, grozi propadanje zaradi povečanega števila velikih posegov v prostor, naravnih nevarnosti, nezakonitih ali neznanstvenih izkopavanj in nezadostne ozaveščenosti javnosti;

potrjujejo, da je treba uvesti, če še ne obstajajo, ustrezne postopke upravnega in znanstvenega nadzora in da bi se skrb za ohranjanje arheološke dediščine morala kazati pri urejanju mestnega in podeželskega prostora in v politiki kulturnega razvoja;

poudarjajo, da za varstvo arheološke dediščine ne bi smela biti odgovorna le država, ki jo to neposredno zadeva, ampak vse evropske države, in to zato, da bi z izmenjavami strokovnjakov in izkušenj zmanjšali nevarnost njenega propadanja in spodbujali njeno ohranjanje;

ugotavljajo, da je zaradi razvoja politik urejanja prostora v evropskih državah treba dopolniti načela Evropske konvencije o varstvu arheološke dediščine, podpisane v Londonu 6. maja 1969,

in so se zato dogovorile naslednje:

### Opredelitev pojma arheološke dediščine

#### 1. člen

1. Cilj te (spremenjene) konvencije je varovati arheološko dediščino kot vir skupnega evropskega spomina in kot sredstvo za zgodovinsko in znanstveno proučevanje.

2. V ta namen so kot deli arheološke dediščine mišljene vse ostaline, predmeti in vsakršni človeški sledovi iz preteklih obdobij:

i) katerih ohranjanje in proučevanje prispevata k odkrivanju zgodovinskega razvoja človeštva in njegove povezanosti z naravnim okoljem;

ii) za katere so glavni viri informacij izkopavanja ali odkritja in drugi načini raziskovanja človeštva in z njim povezanega okolja in

iii) ki so na ozemljih, ki so pod jurisdikcijo pogodbenic.

3. V arheološko dediščino sodijo vsakršni objekti, zgradbe, skupine stavb, prostorsko urejena območja, premični predmeti, drugi spomeniki in njihov položaj v prostoru ne glede na to, ali so na kopnem ali pod vodo.

### Prepoznavanje dediščine in varstveni ukrepi

#### 2. člen

Vsaka pogodbenica se zavezuje, da bo na način, ki je primeren za posamezno državo, zagotovila pravni sistem za varstvo arheološke dediščine, ki ureja:

i) vzdrževanje registra arheološke dediščine in označevanje zavarovanih objektov in območij;

ii) ustanovitev arheoloških rezervatov, tudi če v njih ni vidnih sledov niti na površju zemlje niti pod vodo, zato da bi ohranili materialna pričevanja, ki jih bodo proučevali prihodnji rodovi;

iii) dolžnost najditelja, da pristojnim oblastem obvezno javi naključno najdbo delov arheološke dediščine in omogoči njihovo proučevanje.

## Article 3

To preserve the archaeological heritage and guarantee the scientific significance of archaeological research work, each Party undertakes:

i) to apply procedures for the authorisation and supervision of excavation and other archaeological activities in such a way as:

a) to prevent any illicit excavation or removal of elements of the archaeological heritage;

b) to ensure that archaeological excavations and prospecting are undertaken in a scientific manner and provided that:

· non-destructive methods of investigation are applied wherever possible;

· the elements of the archaeological heritage are not uncovered or left exposed during or after excavation without provision being made for their proper preservation, conservation and management;

ii) to ensure that excavations and other potentially destructive techniques are carried out only by qualified, specially authorised persons;

iii) to subject to specific prior authorisation, whenever foreseen by the domestic law of the State, the use of metal detectors and any other detection equipment or process for archaeological investigation.

## Article 4

Each Party undertakes to implement measures for the physical protection of the archaeological heritage, making provision, as circumstances demand:

i) for the acquisition or protection by other appropriate means by the authorities of areas intended to constitute archaeological reserves;

ii) for the conservation and maintenance of the archaeological heritage, preferably *in situ*;

iii) for appropriate storage places for archaeological remains which have been removed from their original location.

### Integrated conservation of the archaeological heritage

## Article 5

Each Party undertakes:

i) to seek to reconcile and combine the respective requirements of archaeology and development plans by ensuring that archaeologists participate:

a) in planning policies designed to ensure well-balanced strategies for the protection, conservation and enhancement of sites of archaeological interest;

b) in the various stages of development schemes;

ii) to ensure that archaeologists, town and regional planners systematically consult one another in order to permit:

a) the modification of development plans likely to have adverse effects on the archaeological heritage;

b) the allocation of sufficient time and resources for an appropriate scientific study to be made of the site and for its findings to be published;

iii) to ensure that environmental impact assessments and the resulting decisions involve full consideration of archaeological sites and their settings;

iv) to make provision, when elements of the archaeological heritage have been found during development work, for their conservation *in situ* when feasible;

## 3. člen

Da bi ohranila arheološko dediščino in zagotovila znanstveni pomen arheološkega raziskovalnega dela, se vsaka pogodbenica zavezuje, da bo:

i) uporabljala postopke izdaje dovoljenj za izkopavanja in za druga arheološka dela in postopke za nadzor nad njimi, tako da bo:

a) preprečila nezakonita izkopavanja ali odnašanje delov arheološke dediščine;

b) zagotovila znanstveno izvajanje arheoloških izkopavanj in pregledov, tako da:

– se pri tem, kolikor se le da, uporabljajo nedestruktivne raziskovalne metode;

– med izkopavanji ali po njih deli arheološke dediščine ne ostanejo odkriti ali nezavarovani in da je poskrbljeno za njihovo pravilno ohranitev, zavarovanje in upravljanje;

ii) zagotovila, da izkopavanja in druge pogojno škodljive postopke izvajajo samo ustrezno usposobljene in posebej pooblaščen osebe;

iii) zahtevala v primerih, ki jih predvideva notranja zakonodaja posamezne države, posebno poprejšnje dovoljenje za uporabo iskalnikov kovin in druge opreme za odkrivanje ali za postopke arheološkega raziskovanja.

## 4. člen

Vsaka pogodbenica se zavezuje, da bo uresničevala ukrepe za fizično zavarovanje arheološke dediščine, in če okoliščine to zahtevajo, zagotovila, da:

i) javna oblast pridobi ali na drug ustrezen način zavaruje območja, ki so namenjena za ustanovitev arheoloških rezervatov;

ii) je arheološka dediščina zavarovana in vzdrževana, in to, če je le mogoče, tam, kjer je (*in situ*);

iii) so arheološke najdbe, ki so bile odstranjene z mesta, od koder izvirajo, shranjene v primernih depojih.

### Celostno varstvo arheološke dediščine

## 5. člen

Vsaka pogodbenica se zavezuje, da:

i) si bo prizadevala, da bodo zahteve arheologije in urejanja prostora usklajene in povezane med seboj, in bo zato zagotovila sodelovanje arheologov pri:

a) politiki urejanja prostora, ki naj zagotavlja uravnotežene strategije varstva, ohranjanja in boljše predstavitve območij, pomembnih za arheologijo;

b) različnih fazah urejanja prostora;

ii) bo zagotovila sistematična posvetovanja med arheologi in urbanisti oziroma tistimi, ki skrbijo za urejanje prostora, zato da bi omogočila:

a) spremembo izvedbenih načrtov, ki bi utegnili škoditi arheološki dediščini;

b) in dovolj časa in sredstev za izvedbo ustrezne znanstvene študije na kraju samem in za objavo izsledkov;

iii) bo zagotovila, da bodo v presoajah vplivov na okolje in odločitvah, sprejetih na tej podlagi, v celoti upoštevani arheološka območja in njihov položaj v prostoru;

iv) bo poskrbela, da bodo deli arheološke dediščine, ki so bili najdeni med izvedbo posegov v prostor, če je le mogoče, ohranjeni tam, kjer so (*in situ*);

v) to ensure that the opening of archaeological sites to the public, especially any structural arrangements necessary for the reception of large numbers of visitors, does not adversely affect the archaeological and scientific character of such sites and their surroundings.

#### **Financing of archaeological research and conservation**

##### **Article 6**

Each Party undertakes:

i) to arrange for public financial support for archaeological research from national, regional and local authorities in accordance with their respective competence;

ii) to increase the material resources for rescue archaeology:

a) by taking suitable measures to ensure that provision is made in major public or private development schemes for covering, from public sector or private sector resources, as appropriate, the total costs of any necessary related archaeological operations;

b) by making provision in the budget relating to these schemes in the same way as for the impact studies necessitated by environmental and regional planning precautions, for preliminary archaeological study and prospection, for a scientific summary record as well as for the full publication and recording of the findings.

#### **Collection and dissemination of scientific information**

##### **Article 7**

For the purpose of facilitating the study of, and dissemination of knowledge about, archaeological discoveries, each Party undertakes:

i) to make or bring up to date surveys, inventories and maps of archaeological sites in the areas within its jurisdiction;

ii) to take all practical measures to ensure the drafting, following archaeological operations, of a publishable scientific summary record before the necessary comprehensive publication of specialised studies.

##### **Article 8**

Each Party undertakes:

i) to facilitate the national and international exchange of elements of the archaeological heritage for professional scientific purposes while taking appropriate steps to ensure that such circulation in no way prejudices the cultural and scientific value of those elements;

ii) to promote the pooling of information on archaeological research and excavations in progress and to contribute to the organisation of international research programmes.

#### **Promotion of public awareness**

##### **Article 9**

Each Party undertakes:

i) to conduct educational actions with a view to rousing and developing an awareness in public opinion of the value of the archaeological heritage for understanding the past and of the threats to this heritage;

ii) to promote public access to important elements of its archaeological heritage, especially sites, and encourage the display to the public of suitable selections of archaeological objects.

v) bo zagotovila, da bodo arheološka območja dostopna javnosti in da ureditev dostopa, ki je potrebna za sprejem večjega števila obiskovalcev, ne bo škodovala arheološkim in znanstvenim lastnostim teh območij in njihove okolice.

#### **Financiranje arheološkega raziskovanja in ohranjanja**

##### **6. člen**

Vsaka pogodbenica se zavezuje, da bo:

i) poskrbela za javno finančno podporo arheološkemu raziskovanju, ki jo v skladu s svojo pristojnostjo dajejo država, pokrajina in lokalne oblasti;

ii) povečala materialne vire za preventivno arheologijo:

a) s primernimi ukrepi, s katerimi se zagotovi, da bodo pri večjih javnih ali zasebnih posegih v prostor vsi stroški za s tem povezana potrebna arheološka dela pokriti iz virov javnega oziroma zasebnega sektorja;

b) s tem, da določi, da so enako, kot to velja za presoje vplivov na okolje in prostor, tudi stroški za predhodne arheološke raziskave in za arheološke preglede, za znanstvena zbirna poročila in tudi za popolno objavo in dokumentiranje vseh izsledkov vključeni v investicijske programe za izvedbo posegov v okolje oziroma v prostor.

#### **Zbiranje in širjenje znanstvenih informacij**

##### **7. člen**

Da bi olajšala proučevanje in širjenje znanja o arheoloških odkritjih, se vsaka pogodbenica zavezuje, da bo:

i) pripravila in sproti dopolnjevala terenske preglede, registre in karte arheoloških območij na ozemljih pod svojo jurisdikcijo;

ii) ukrepala tako, da bo po končanih arheoloških delih in pred celotno objavo obvezne strokovne študije v praksi zagotovila pripravo znanstvenega povzetka, primerne za objavo.

##### **8. člen**

Vsaka pogodbenica se zavezuje, da bo:

i) na državni in mednarodni ravni olajševala izmenjavo delov arheološke dediščine v strokovne in znanstvene namene in ustrezno ukrepala tako, da takšno kroženje nikakor ne bo škodovalo njihovi kulturni in znanstveni vrednosti;

ii) spodbujala sprotno izmenjavo informacij o arheoloških raziskavah in izkopavanjih in prispevala k organiziranju mednarodnih raziskovalnih programov.

#### **Ozaveščanje javnosti**

##### **9. člen**

Vsaka pogodbenica se zavezuje, da bo:

i) izvajala izobraževalno dejavnost, ki bo v javnosti vzbujala in razvijala zavest o vrednosti, ki jo ima arheološka dediščina za razumevanje preteklosti, in o nevarnostih, ki tej dediščini grozijo;

ii) podpirala dostop javnosti do pomembnih delov svoje arheološke dediščine in še posebno do arheoloških območij in spodbujala predstavitev primerno izbranih arheoloških predmetov javnosti.

**Prevention of the illicit circulation of elements of the archaeological heritage**

## Article 10

Each Party undertakes:

i) to arrange for the relevant public authorities and for scientific institutions to pool information on any illicit excavations identified;

ii) to inform the competent authorities in the State of origin which is a Party to this Convention of any offer suspected of coming either from illicit excavations or unlawfully from official excavations, and to provide the necessary details thereof;

iii) to take such steps as are necessary to ensure that museums and similar institutions whose acquisition policy is under State control do not acquire elements of the archaeological heritage suspected of coming from uncontrolled finds or illicit excavations or unlawfully from official excavations;

iv) as regards museums and similar institutions located in the territory of a Party but the acquisition policy of which is not under State control:

a) to convey to them the text of this (revised) Convention;

b) to spare no effort to ensure respect by the said museums and institutions for the principles set out in paragraph 3 above;

v) to restrict, as far as possible, by education, information, vigilance and co-operation, the transfer of elements of the archaeological heritage obtained from uncontrolled finds or illicit excavations or unlawfully from official excavations.

## Article 11

Nothing in this (revised) Convention shall affect existing or future bilateral or multilateral treaties between Parties, concerning the illicit circulation of elements of the archaeological heritage or their restitution to the rightful owner.

**Mutual technical and scientific assistance**

## Article 12

The Parties undertake:

i) to afford mutual technical and scientific assistance through the pooling of experience and exchanges of experts in matters concerning the archaeological heritage;

ii) to encourage, under the relevant national legislation or international agreements binding them, exchanges of specialists in the preservation of the archaeological heritage, including those responsible for further training.

**Control of the application of the (revised) Convention**

## Article 13

For the purposes of this (revised) Convention, a committee of experts, set up by the Committee of Ministers of the Council of Europe pursuant to Article 17 of the Statute of the Council of Europe, shall monitor the application of the (revised) Convention and in particular:

i) report periodically to the Committee of Ministers of the Council of Europe on the situation of archaeological heritage protection policies in the States Parties to the (revised) Convention and on the implementation of the principles embodied in the (revised) Convention;

ii) propose measures to the Committee of Ministers of the Council of Europe for the implementation of the (revised) Convention's provisions, including multilateral activities, re-

**Preprečevanje nezakonitega prometa z deli arheološke dediščine**

## 10. člen

Vsaka pogodbenica se zavezuje, da bo:

i) uredila, da bodo pristojna javna oblast in znanstvene ustanove izmenjavale informacije o vseh ugotovljenih nezakonitih izkopavanjih;

ii) obvestila pristojne organe v državi izvora, ki je pogodbenica te konvencije, o vsaki ponudbi, za katero obstaja sum, da izvirajo iz nezakonitih izkopavanj ali nezakonito iz dovoljenih izkopavanj, in priskrbela potrebne podrobnosti;

iii) ustrezno ukrepala tako, da muzeji in sorodne ustanove, katerih politiko pridobivanja gradiva nadzoruje država, ne bodo kupovali delov arheološke dediščine, za katere obstaja sum, da izvirajo iz nenadzorovanih najdb ali iz nezakonitih izkopavanj ali nezakonito iz dovoljenih izkopavanj;

iv) muzejem in podobnim ustanovam na ozemlju pogodbenice, katerih politike pridobivanja gradiva ne nadzoruje država:

a) predala besedilo te (spremenjene) konvencije

b) in se trudila, da bodo tudi ti muzeji in ustanove spoštovali načela, določena v tretjem odstavku tega člena;

v) z izobraževanjem, obveščanjem, budnim spremljanjem in sodelovanjem čim bolj omejila promet z deli arheološke dediščine, ki izvirajo iz nenadzorovanih najdb ali nezakonitih izkopavanj ali nezakonito iz dovoljenih izkopavanj.

## 11. člen

Nič v tej (spremenjeni) konvenciji ne vpliva na obstoječe ali nove dvostranske ali mnogostranske pogodbe med pogodbenicami, ki se nanašajo na nezakonit promet z deli arheološke dediščine ali na njihovo vračanje zakonitemu lastniku.

**Medsebojna strokovna in znanstvena pomoč**

## 12. člen

Pogodbenice se zavezujejo, da bodo:

i) druga drugi dajale strokovno in znanstveno pomoč v obliki izmenjave izkušenj in strokovnjakov v zadevah, ki so povezane z arheološko dediščino;

ii) v okviru ustreznega notranjega prava in mednarodnih sporazumov, ki jih obvezujejo, spodbujale izmenjavo strokovnjakov za ohranitev arheološke dediščine, vključno s tistimi, ki so odgovorni za nadaljnje izobraževanje.

**Nadzor nad uporabo (spremenjene) konvencije**

## 13. člen

Na podlagi 17. člena Statuta Sveta Evrope je Odbor ministrov Sveta Evrope imenoval odbor izvedencev, katerega naloga je, da spremlja uporabo (spremenjene) konvencije in še posebej, da:

i) Odboru ministrov Sveta Evrope redno poroča o položaju politike varstva arheološke dediščine v državah pogodbenicah te (spremenjene) konvencije in o uresničevanju načel, ki so v njej vsebovana;

ii) Odboru ministrov Sveta Evrope predlaga ukrepe za uresničevanje določb (spremenjene) konvencije, vključno z mnogostranskimi dejavnostmi, ponovnim pregledom ali spre-



vision or amendment of the (revised) Convention and informing public opinion about the purpose of the (revised) Convention;

iii) make recommendations to the Committee of Ministers of the Council of Europe regarding invitations to States which are not members of the Council of Europe to accede to this (revised) Convention.

### Final clauses

#### Article 14

1. This (revised) Convention shall be open for signature by the member States of the Council of Europe and the other States party to the European Cultural Convention.

It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. No State party to the European Convention on the Protection of the Archaeological Heritage, signed in London on 6 May 1969, may deposit its instrument of ratification, acceptance or approval unless it has already denounced the said Convention or denounces it simultaneously.

3. This (revised) Convention shall enter into force six months after the date on which four States, including at least three member States of the Council of Europe, have expressed their consent to be bound by the (revised) Convention in accordance with the provisions of the preceding paragraphs.

4. Whenever, in application of the preceding two paragraphs, the denunciation of the Convention of 6 May 1969 would not become effective simultaneously with the entry into force of this (revised) Convention, a Contracting State may, when depositing its instrument of ratification, acceptance or approval, declare that it will continue to apply the Convention of 6 May 1969 until the entry into force of this (revised) Convention.

5. In respect of any signatory State which subsequently expresses its consent to be bound by it, the (revised) Convention shall enter into force six months after the date of the deposit of the instrument of ratification, acceptance or approval.

#### Article 15

1. After the entry into force of this (revised) Convention, the Committee of Ministers of the Council of Europe may invite any other State not a member of the Council and the European Economic Community, to accede to this (revised) Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2. In respect of any acceding State or, should it accede, the European Economic Community, the (revised) Convention shall enter into force six months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

#### Article 16

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this (revised) Convention shall apply.

2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this (revised) Convention to any other territory specified in the declaration. In respect of

membo te (spremenjene) konvencije in z obveščanjem javnosti o njenem namenu;

iii) Odboru ministrov Sveta Evrope predlaga priporočila za povabila državam, ki niso članice Sveta Evrope, da pristopijo k (spremenjeni) konvenciji.

### Končne določbe

#### 14. člen

1. Ta (spremenjena) konvencija je na voljo za podpis državam članicam Sveta Evrope in drugim državam pogodbenicam Evropske kulturne konvencije.

Konvencijo je treba ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se hranijo pri generalnem sekretarju Sveta Evrope.

2. Nobena država pogodbenica Evropske konvencije o varstvu arheološke dediščine, podpisane v Londonu 6. maja 1969, ne sme deponirati listine o ratifikaciji, sprejetju ali odobritvi, če prej ali hkrati ne odpove omenjene konvencije.

3. Ta (spremenjena) konvencija začne veljati šest mesecev po dnevu, ko so štiri države, med njimi vsaj tri države članice Sveta Evrope, v skladu z določbami prvih dveh odstavkov tega člena privolile, da jih zavezuje (spremenjena) konvencija.

4. Če ob upoštevanju prejšnjih dveh odstavkov tega člena odpoved konvencije z dne 6. maja 1969 ne bi začela veljati hkrati z začetkom veljavnosti (spremenjene) konvencije, lahko država pogodbenica ob deponiranju svoje listine o ratifikaciji, sprejetju ali odobritvi izjavi, da bo konvencijo z dne 6. maja 1969 še naprej uporabljala do začetka veljavnosti te (spremenjene) konvencije.

5. Ta (spremenjena) konvencija začne za državo podpisnico, ki kasneje privoli, da jo ta konvencija zavezuje, veljati šest mesecev po deponiranju njene listine o ratifikaciji, sprejetju ali odobritvi.

#### 15. člen

1. Po začetku veljavnosti te (spremenjene) konvencije lahko Odbor ministrov Sveta Evrope povabi katero koli drugo državo, ki ni članica Sveta Evrope, in Evropsko gospodarsko skupnost, da pristopi k tej (spremenjeni) konvenciji, in to na podlagi sklepa, ki je sprejet z večino, določeno v odstavku d) 20. člena Statuta Sveta Evrope, pri čemer morajo glasovati za vsi predstavniki držav pogodbenic, ki imajo pravico biti zastopne v Odboru.

2. Za vsako državo, ki pristopi h konvenciji, ali za Evropsko gospodarsko skupnost, če k njej pristopi, začne (spremenjena) konvencija veljati šest mesecev od dneva deponiranja listine o pristopu pri generalnem sekretarju Sveta Evrope.

#### 16. člen

1. Vsaka država lahko ob podpisu ali ob deponiranju svoje listine o ratifikaciji, sprejetju, odobritvi ali pristopu določi ozemlje ali ozemlja, za katera se ta (spremenjena) konvencija uporablja.

2. Vsaka država lahko kadar koli pozneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, razširi uporabo te (spremenjene) konvencije na katero koli drugo ozemlje, navedeno v izjavi. Za tako ozemlje začne (spreme-

such territory the (revised) Convention shall enter into force six months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective six months after the date of receipt of such notification by the Secretary General.

#### Article 17

1. Any Party may at any time denounce this (revised) Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective six months following the date of receipt of such notification by the Secretary General.

#### Article 18

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the other States party to the European Cultural Convention and any State or the European Economic Community which has acceded or has been invited to accede to this (revised) Convention of:

- i) any signature;
- ii) the deposit of any instrument of ratification, acceptance, approval or accession;
- iii) any date of entry into force of this (revised) Convention in accordance with Articles 14, 15 and 16.
- iv) any other act, notification or communication relating to this (revised) Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this revised Convention.

Done at Valletta, this 16th day of January 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the other States party to the European Cultural Convention, and to any non-member State or the European Economic Community invited to accede to this (revised) Convention.

#### 3. člen

Vlada Republike Slovenije skladno z drugim odstavkom 14. člena te konvencije odpove Evropsko konvencijo o varstvu arheološke dediščine, ki je bila sprejeta v Londonu 6. maja 1969 (Uradni list SFRJ – Mednarodne pogodbe, št. 9/90) in jo je Republika Slovenija nasledila po nekdanji SFRJ (akt o notifikaciji nasledstva, Uradni list RS, št. 14/92).

#### 4. člen

Za izvajanje konvencije skrbi Ministrstvo za kulturo, Uprava Republike Slovenije za kulturno dediščino in Inšpektorat za področje varstva kulturne dediščine.

#### 5. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 801-07/98-7/1

Ljubljana, dne 25. marca 1999

njena) konvencija veljati šest mesecev po dnevu, ko je generalni sekretar prejel tako izjavo.

3. Vsaka izjava, dana na podlagi prejšnjih dveh odstavkov, se lahko z notifikacijo, naslovljeno na generalnega sekretarja, umakne za vsako ozemlje, navedeno v izjavi. Umik začne veljati šest mesecev po dnevu, ko je generalni sekretar prejel tako notifikacijo.

#### 17. člen

1. Vsaka pogodbenica lahko kadar koli odpove to (spremenjeno) konvencijo z notifikacijo, naslovljeno na generalnega sekretarja Sveta Evrope.

2. Taka odpoved začne veljati šest mesecev po dnevu, ko je generalni sekretar prejel tako notifikacijo.

#### 18. člen

Generalni sekretar Sveta Evrope obvesti države članice Sveta Evrope, druge države pogodbenice Evropske kulturne konvencije in vsako državo ali Evropsko gospodarsko skupnost, ki je pristopila ali je bila povabljen, da pristopi k tej (spremenjeni) konvenciji, o:

- i) vsakem podpisu;
- ii) deponiranju vsake listine o ratifikaciji, sprejetju, odobritvi ali pristopu;
- iii) vsakem datumu začetka veljavnosti te (spremenjene) konvencije v skladu s 14., 15. in 16. členom;
- iv) vsakem drugem dejanju, notifikaciji ali sporočilu v zvezi s (spremenjeno) konvencijo.

V potrditev tega so podpisani, ki so bili za to pravilno pooblašteni, podpisali to (spremenjeno) konvencijo.

Sklenjeno v La Valletti 16. januarja 1992 v angleščini in francoščini, pri čemer sta besedili enako verodostojni, v enem samem izvodu, ki se hrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsaki državi članici Sveta Evrope, drugim državam pogodbenicam Evropske kulturne konvencije in vsaki državi, ki ni članica, ali Evropski gospodarski skupnosti, povabljeni, da pristopi k tej (spremenjeni) konvenciji.

Predsednik  
Državnega zbora  
Republike Slovenije  
**Janez Podobnik dr. med. l. r.**

**Pravkar izšlo**

# PREDPISI O DDV IN TROŠARINAH

z uvodnimi pojasnili Marjete Šoštarič

Sredi leta 1999 se Slovenija pridružuje več kot sto državam sveta, ki svoj cesarski delež poberejo s pomočjo davka na dodano vrednost in trošarin. Ker zakon o DDV bistveno spreminja davčno politiko, je na tržišču razmeroma mnogo publikacij o tem davku. Najcenejša pa bodo Predpisi o DDV in trošarinah založbe Uradni list RS.

Predpise o DDV in trošarinah izdaja založba Uradni list v dobro znani in uveljavljeni Zbirki predpisov. V njej so pregledno objavljeni:

- zakon o davku na dodano vrednost (ZDDV)
- pravilnik o izvajanju zakona o davku na dodano vrednost
- zakon o trošarinah (ZTro)
- pravilnik o izvajanju zakona o trošarinah
- odredba o izvajanju 45. člena zakona o trošarinah

Ker obračunavanje in plačevanje novih dajatev zadeva širok krog ljudi, je uvodna pojasnila k zakonu o DDV pripravila komentatorka Dela Marjeta Šoštarič. Zapletene zakonske formulacije ji je uspelo prevesti v razumljiv jezik.

Cena 2520 SIT

10486

## N A R O Č I L N I C A

Naročite po faksu: 061/125 14 18

S tem nepreklicno naročam

**PREDPISI O DDV IN TROŠARINAH**

število izvodov

Naročeno knjižico mi pošljite na naslov

Firma – ime naročnika

Sektor – oddelek

Ulica in številka

Kraj

Datum

Podpis pooblaščenice osebe

Žig

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Izdajatelj Služba Vlade RS za zakonodajo – Direktor Tone Dolčič –  
Založnik Uradni list RS, d.o.o. – Direktor Marko Polutnik – Urednica Marija  
Petrovič-Kurt – Priprava Uradni list RS, d.o.o., Tisk Tiskarna SET, d.o.o., Vevče  
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