



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention**

**Fifth and sixth periodic reports of States parties due in 2014**

**Slovakia\***

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\* The present document is being issued without formal editing.



## Introduction

1. As a State party to the Convention on the Elimination of All Forms of Discrimination against Women, the Slovak Republic hereby submits its Fifth and Sixth Periodic Report on the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter the “Report”) in accordance with article 18(1)(b) of the Convention. The report contains information on legislative, judicial, administrative and other measures that have been adopted for the purpose of implementing the convention in practice, and also the progress that has been made in this direction from consideration of the previous report in June 2009, up to 2013. The report focuses primarily on the implementation of the recommendations made in the Concluding Observations of the Committee on the Elimination of Discrimination against Women adopted on 14 July 2008 after consideration of the Second, Third and Fourth Periodic Report of the Slovak Republic.

2. The submitted material was prepared by the Ministry of Labour, Social Affairs and Family and the Ministry of Foreign and European Affairs of the Slovak Republic in cooperation with the competent authorities in relevant areas and by the Committee for Gender Equality of the Government Council for Human Rights, National Minorities and Gender Equality (hereinafter the “Committee for Gender Equality”) in accordance with the UN Guidelines on the form and content of reports to be submitted by States Parties on the Convention on the Elimination of All Forms of Discrimination against Women (HRI/GEN/2/Rev.1/Add.2) and the general recommendations of the Committee on the Elimination of Discrimination against Women (hereinafter the “Committee”). The report has been reviewed by the Committee for Gender Equality and has been the subject of an interdepartmental review procedure.

3. The Report addresses the legislative and other measures that document the progress that has been made in eliminating discrimination against women, changes in the level of equality between women and men in political, social, economic and cultural life and the problems that persist in this area, and overcoming of which will be the subject-matter of subsequent plans, aims and policies. Information on the fulfilment of specific recommendations in the Concluding Observations of the Committee on the Elimination of Discrimination against Women after consideration of the Second, Third and Fourth Periodic Report of the Slovak Republic on the Convention on the Elimination of All Forms of Discrimination against Women<sup>1</sup> have been incorporated into the commentary on individual articles. An overview table of specific implementation activities is given in the conclusion of the Report.

### Basic demographic indicators

4. Composition of the population of the Slovak Republic by age and sex: women make up 51.3% of the Slovak population (as at 31 December 2012). The ageing of the population is caused by a rise in average life expectancy (“top-down” ageing) and the current low fertility rate (“bottom-up” ageing).

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<sup>1</sup> Committee on the Elimination of Discrimination against Women, Forty-first Session, 30 June to 18 July 2008.

5. The changes that have taken place during the social, economic and political transformation of the Slovak Republic include **changes in demographic behaviour** that constitute a new model of reproductive and family behaviour in the population. In particular there is a trend for parenthood to be delayed until later age for both parents, i.e. the average age of a mother at the birth of her first child is increasing (from 24.14 years in 2001 to 27.29 years in 2012)<sup>2</sup> and to prefer families with a smaller number of children (the tendency towards a one- or two-child family is one of the long-term trends in family behaviour in the Slovak Republic); there has been both an absolute and relative increase in live births of children outside marriage (up from 19.8% in 2001 to 35.4% in 2012) and so on.

6. There is a continuous trend **towards ageing of the population** in the Slovak Republic. The pre-productive age group made up 15.4% of the national population in 2012, which was 0.06 percentage points less than in 2011. The average age of men and women increased by 0.3 years compared to 2011, reaching 37.7 years for men and 40.9 years for women. The productive age group was 71.5% of the population in 2012, 0.29 percentage points less than in 2011, and the post-productive age group grew from 12.8% in 2011 to 13.1% in 2012. The ageing of the population is partly the result of the increasing average life expectancy at birth, which in 2012 was 72.74 years for men and 79.45 years for women. At present we are observing a slight decrease in the gap in average life expectancy at birth between men and women, which was 7 years in 2012 (0.2 years smaller than in 2011).

7. The ratio of the generation of grandparents and the generation of children (the ageing index) increased year-on-year from 83 to 85.5, which means that for every 100 children (0-14 years) there were more than 85 persons aged 65 years or older in the population. There are, however, major differences in the ageing index values for the male and female populations. When looking at the population as a whole, the child age group is still the most numerous on the male side. On the female side there is the opposite situation. For 100 girls there are 109 women aged 65+. The ratio flipped in 2008.

8. The main cause of the ageing of the population is **low fertility**. The total fertility rate fell sharply in the Slovak Republic in the 1990s and reached its lowest level in the years 2001-2003 when there were 1.2 children per woman of fertile age. In recent years there has been a slight increase in fertility (1.34 in 2012), which is the result of births in the large cohorts of women aged 25 to 34 years. There has been a slight fall, but the trend towards a gradual increase in intensity and the revival of fertility is maintained. In 2012 there were 55,535 live births, i.e. 10 children for every 1,000 inhabitants. Childbirth is moving to a later age (the average age of women who give birth increased in 2012 to reach 29.11 years for all mothers).<sup>3</sup>

9. There are between 52,000 and 54,000 deaths each year in the Slovak Republic, with 2,000 to 3,000 more male than female deaths. The gross mortality rate has continued the positive trend established at the start of the 1990s (1992), since when it has remained below the level of 10 deaths per 1,000 inhabitants (in 2012 the rate was 9.7%; for every 1,000 men there were 10 deaths and for every 1,000 women 9 deaths). Regarding sex, the Slovak Republic has the excess male mortality that is

<sup>2</sup> Statistical Office of the Slovak Republic: Development of the Population in the Slovak Republic and in Regions in 2012.

<sup>3</sup> Ibid.

typical in most developed countries. Male deaths were 51.3% of all deaths in 2012. For every 1,000 female deaths there were 1,052 male deaths, which is 89 fewer male deaths per 1,000 female deaths than in 2001.

#### **Information on accession to other international human rights conventions**

10. In the period under review the Slovak Republic signed and ratified a number of international human rights instruments adopted by the UN and the Council of Europe. In May 2010 Slovakia became a state party to the **Convention on the Rights of Persons with Disabilities**<sup>4</sup> and the **optional protocol to the convention**. In March 2012 it ratified the **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**. It has begun the **domestic ratification process for the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**.

11. In the years 2009-2012 the Slovak Republic made a major contribution to the adoption of a new international treaty — the **Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure** (hereinafter the “Protocol”). The protocol is the first international human rights treaty in which Slovakia has played the role of leader and coordinator of the preparation process. As of 2009 the Slovak Republic, represented by the Ministry of Foreign and European Affairs, lead negotiations on the protocol, chaired the working group that prepared the protocol and coordinated numerous related activities including the submission of four resolutions to the UN. The Slovak Republic ratified the protocol in December 2012.

12. On the regional level, the Slovak Republic was one of the first states to sign the **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (hereinafter the “Convention”). On 11 May 2011, it signed the Convention, a breakthrough document whereby the Member States of the Council of Europe (hereinafter the “CoE”) undertake to adopt effective measures for combating violence against women and domestic violence. The Convention is a multilateral international treaty of a presidential character, an international treaty on human rights and fundamental freedoms, an international treaty directly establishing rights or duties of natural persons or legal entities and an international treaty implementation of which is required by law. Pursuant to article 7(4) of the Constitution of the Slovak Republic the consent of the National Council of the Slovak Republic is required before its ratification. Under article 7(5) of the Constitution of the Slovak Republic it has priority over law. The government discussed the Convention at its session of 04 May 2011, where it adopted Resolution No. 297 on its signing by the Slovak Republic with a reservation of ratification. At the time of preparation of this report, domestic implementation was being carried out based on a comprehensive analysis of the Convention.

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<sup>4</sup> After deposit of the instruments of ratification, the Slovak Republic made a reservation to article 27(1)(a) of the Convention on the Rights of Persons with Disabilities in accordance with Article 46 thereof as follows: “the Slovak Republic applies the provisions of Article 27, paragraph (1)(a) under the condition that the implementation of the prohibition of discrimination on grounds of disability when setting conditions for recruitment, hiring and employment duration does not apply to admission to the service of members of armed forces, armed security services, armed services, the National Security Office, the Slovak Information Service and the Fire and Rescue Service”.

13. In 2014 the Slovak Republic ratified Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms.

14. The area of gender policy and equal opportunities also happened to be one of the areas covered by the Second Universal Periodic Review (UPR) of the Slovak Republic on 03 February 2014 in Geneva (evaluation by the UN Human Rights Council).

## PART I

### Article 2

Legislation and political measures

15. In the evaluated period there was a change in the legislative conditions in the Slovak law with respect to the prohibition of discrimination in the general and labour law. The Slovak Republic has strengthened its legislative and institutional frameworks for gender equality in accordance with the EU legislation, in particular by amending the **Labour Code**, the Act on Labour Inspection, and other legislative materials. A number of **strategic documents** were adopted in the period concerned. Another major step forward was the signing of the **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence**.

16. The previous report described in detail the scope and application of the “**Anti-discrimination Act**”.<sup>5</sup> The Slovak government and parliament approved an amendment of this act in 2012 (which entered into effect on 01/04/2013). The amendment broadened the definition of indirect discrimination to include the threat of discrimination in accordance with EU directives. The newly approved amendment uses gender perspective to modify the negative definition of discrimination with respect to **affirmative action**. Following the amendment, its use is now also permitted on grounds of sex/gender by all public administration bodies, with extension to other legal entities. This provision brings Slovak law into line with the recommendations made by the UN Committee on the Elimination of Discrimination against Women in the Concluding Observations on the Second, Third and Fourth Periodic Report of the Slovak Republic on the Convention on the Elimination of All Forms of Discrimination against Women.

17. Based on the professional consensus regarding the need to amend the Anti-discrimination Act and related laws, in particular the Code of Civil Procedure and the Act on Labour Inspection, the body responsible for gender equality policy foresees an amendment of these laws in 2015. Such a recommendation was made in material prepared by the Committee for Gender Equality during preparation of the National Strategy for the Protection and Support of Human Rights in the Slovak Republic.

18. The issue of gender equality and equal opportunities in labour relations and employment is addressed in the **Labour Code**. Changes in this area are described in detail in the chapter on employment.

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<sup>5</sup> Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and amending certain acts (the Anti-discrimination Act).

19. The strategic document setting the framework for gender equality policy in the period under review was the **National Strategy for Gender Equality 2009-2013**, adopted by Government Resolution No. 272 of 08 April 2009, which is the Slovak government's basic programming document on gender equality. The strategy identified and proposed a targeted approach to putting the European gender equality policy in practice as well as implementing it de jure and de facto. In 2014 a new National Strategy for Gender Equality will be developed covering the years 2014-2019.

20. The government of the Slovak Republic adopted the **National Action Plan for Gender Equality 2010-2013** on 12 May 2010 by Resolution No. 316/2010, which is based on primary and secondary European legislation and is in line with the EU Strategy for Equality between Women and Men 2010-2015. The Slovak Republic will prepare a report on fulfilment of the commitments resulting from the European strategy based on implementation of the tasks defined in the above plan. Evaluation of this plan and the follow-up development of a new plan for the next period will be completed in 2014.

21. **The National Action Plan for the Prevention and Elimination of Violence against Women 2009-2012** (hereinafter the "NAP") was approved by Government Resolution No. 438 of 17 June 2009. The plan is based on the operational objectives of the National Strategy for the Prevention and Elimination of Violence against Women and in Families, where these are addressed and elaborated on in accordance with the new facts and the requirements of international documents and practice. The tasks introduced in the NAP are mainly formulated in the context of the previous plan applying specific measures in the four areas originally defined, with statistical findings and monitoring added to the research area. The material is further supplemented by three extension areas: education and sensitisation of the helping professions, violence against women in the workplace and work with the perpetrators of violence.

22. Pursuant to Government Resolution No. 862/2007 of 11 October 2007, every year a **Summary Report on the State of Gender Equality in Slovakia** is prepared covering the previous year. So far, 6 comprehensive reports were published to address the respective years. The report is prepared by the Ministry of Labour, Social Affairs and Family of the Slovak Republic (hereinafter the "MLSAF") as the responsible authority for this area and it is then discussed at the Committee for Gender Equality and other government advisory bodies. After deliberation the government submits the report to sessions of the parliamentary committees on social affairs and human rights and national minorities. Relevant public administration bodies also participated actively in the preparation and implementation of the government strategic documents.

### **Institutional development**

23. In 2010 the post of **deputy prime minister for human rights and national minorities** was created with a portfolio that included gender equality, though this was not enshrined in law and the post has unfortunately since been cancelled. After the change of government in 2012, an amendment of the "Competence Act"<sup>6</sup> for the first time assigned **competence for gender equality to a particular central state**

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<sup>6</sup> Act No 575/2001 Coll. on the organization of the activities of the government and the organization of the central state administration.

**administration body, the Ministry of Labour, Social Affairs and Family of the Slovak Republic** (hereinafter the “MLSAF”). As a result of the amendment, with effect from 01/10/2012, the MLSAF was assigned the function of the central state administration body for gender equality and equal opportunities and for coordination of state policy in this area. Although the MLSAF has had a department with responsibilities relating to gender equality, equal opportunities and anti-discrimination since 1999, the amendment for the first time assigned it the competences of the national institutional mechanism and the contact point for gender equality. The department of gender equality and equal opportunities (hereinafter the “DGEEO”) began to report directly to the state secretary of the MLSAF in 2010. The DGEEO represents the Slovak Republic in various international bodies and advisory commissions and alongside standard tasks it performs the function of coordinator for the structural funds’ horizontal priority equal opportunities.

24. In 2011, as part of the final stage of reform of the advisory bodies of the government of the Slovak Republic, a new institutional mechanism for deliberative democracy was established — the **Government Council for Human Rights, National Minorities and Gender Equality** (hereinafter the “Government Council”). The Government Council’s statutes define it as the government’s permanent, expert advisory, coordination and consultative body for areas including promotion of the principle of equal treatment and the principle of equality including gender equality; it monitors the domestic implementation of the Slovak Republic’s international commitments in the area of human rights, especially those commitments resulting from international treaties and their related optional protocols that have been ratified by the Slovak Republic.

25. The function of the **secretariat of the Government Council** is performed by the Ministry of Foreign and European Affairs (hereinafter the “MFEA”), which has been appointed to coordinate human rights policy. The minister of foreign and European affairs, who is also the deputy prime minister, chairs the Government Council. The members of the Government Council include state secretaries, representatives of public administration and specialists in the area of human rights. Committees of the Government Council have been established as specialist bodies.

26. One of the Government Council’s committees is the **Committee for Gender Equality**,<sup>7</sup> which is established as a specialised advisory body of the Government Council. The committee shares a secretariat based in the MLSAF with another three committees of the Government Council. The department of gender equality and equal opportunities provides for the activities of the Committee in its area of competence. The director of the department also sits on the Committee as its executive secretary without voting rights. In its inaugural session on 20/06/2011 the Committee adopted its statutes. The first regular session of the Committee took place on 23/09/2011. The Committee meets three or four times per year and is a fundamental participative body with joint responsibility for the promotion of gender equality. The committee has 60 members, half of whom come from civil society, in particular from non-governmental organisations (hereinafter “NGOs”).

27. Another positive development is the implementation of the **national project Institute for Gender Equality** under the Operational Programme Employment and

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<sup>7</sup> The Committee for Gender Equality is the continuation of the Government Council for Gender Equality which operated in the previous period and about which information was supplied in the previous report.

Social Inclusion by the MSLAF Education Centre with support from the European Social Fund. The project included many educational activities for state administration and local government bodies including the development of accredited courses on gender equality and the production of fundamental analyses, research and methodology supporting the promotion of gender equality in public life, focussing on the labour market in particular.

28. **Non-governmental organisations** and interest groups belonging to civil society take part in the preparation and production of concepts, plans and policies through participative democratic processes and have a decisive influence on public debate in this area. Such activities have been strengthened by establishment of the Government Council for Human Rights, National Minorities and Gender Equality and its committees and establishment of the post of **government plenipotentiary for civil society** and the Government Council for Non-governmental Organisations.

29. An important step forward is the publication of data on gender inequality by the **Statistical Office of the Slovak Republic**<sup>8</sup> and the creation of a website of the Statistical Office showing statistical data regarding the issues connected with gender equality which is updated on an annual basis.<sup>9</sup> The Statistical Office of the Slovak Republic (hereinafter the “SO SR”) makes full provision for such activities. The SO SR actively cooperates with Eurostat and the UN, in particular UNECE (United Nations Economic Commission for Europe) and other international institutions in the development and improvement of indicators in the area of gender equality and seeks to ensure their implementation in the fullest possible extent. For the above reason, gender statistics produced by SO SR are internationally comparable. They are a valuable source of data for the parliament, the government and other central and local government bodies when adopting measures in support of gender equality. They are also useful for verifying implementation of measures in this area.

30. In order to perform its function resulting from the National Action Plan for Gender Equality 2010-2013 the SO SR has established a workplace in its Košice office which focuses on the systematic processing of gender statistics. Since 2010 the SO SR has been publishing a regular compilation of data under the title **Gender Equality**. So far four such compilations have been published — Gender Equality 2010, 2011, 2012 and 2013. They are well-arranged, and through the presentation of gender statistics in various areas they provide a holistic overview of gender equality in the Slovak Republic including international comparisons. Explanatory information on gender statistics and data are published on the Statistical Office’s website [www.statistics.sk](http://www.statistics.sk) focussing on gender statistics in the basic areas of statistical monitoring on the national level.

### **Article 3**

#### **Guaranteeing human rights and fundamental freedoms**

Legislation and political measures

31. In November 2011 the government of the Slovak Republic approved a task to prepare a **National Strategy for the Protection and Support of Human Rights in the Slovak Republic**.<sup>10</sup> The deputy prime minister and minister of foreign and

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<sup>8</sup> Publication Gender Equality 2011a.

<sup>9</sup> <http://portal.statistics.sk/showdoc.do?docid=27711>.

<sup>10</sup> <http://www.radavladylp.gov.sk/celostatna-strategia-ochrany-a-podpory-ludskych-prav-v-sr/>.



European affairs of the Slovak Republic are responsible for coordination of the activity for the preparation of the strategy and the presentation of the strategy for deliberation by the government by the end of June 2014. The aim of the government document is to improve the system of national protection and support for human rights including identification of the needs and requirements of vulnerable groups. A participatory mechanism is being used in development of the strategy. The process of defining the content and priorities of the strategy includes contributions not only from the state administration but also from a very wide range of non-governmental organisations and other relevant representatives of civil society. The preparation of the strategy is being preceded by specialised discussions on individual thematic areas. The outputs of the events are used to develop materials that will be incorporated into the text of the strategy. One specialised event is dedicated to the topic of gender equality. The specialised events are aimed at representatives of the state sector and civil society. The events are supervised by the responsible authority assigned to the area concerned. These responsible authorities are the competent ministries and other relevant subjects.

32. The Strategy will be an open, concise, clear, apposite and comprehensive document of a non-legislative character. Its content will define frameworks and priorities for future improvement in the protection of human rights in the Slovak Republic. Concrete measures will be incorporated into existing and/or new action plans in specific areas. The Strategy will also take account of the recommendations of the monitoring bodies established under the international organisations. The strategy aims to reflect trends in the development of human rights on the national, European and international level. The participatory character of its preparation provides an adequate space for a wide range of stakeholders to express their views. During preparation of the Strategy workshops were held for representatives of civil society, the public administration and professionals in Bratislava, Banská Bystrica, Prešov and Košice. The points that were raised there made a valuable contribution to the discussion aimed at improving the quality of public policy on human rights. At the same time, it should be noted that the above-mentioned workshops initiated a very emotional discussion on certain topics that are integral to the modern concept of human rights, in particular gender equality and the rights of LGBTI people. In the conservative parts of the NGO sector and among the general public voices were raised against some principles of human rights that stem from the Slovak Republic's international commitments. At the time of preparation of the Report this discussion had not yet reached a conclusion.

33. Improving the situation of the Roma in all areas of life remains one of the priorities of the government of the Slovak Republic. In January 2012 the **Strategy of the Slovak Republic for Roma Integration to 2020** was approved as a comprehensive document setting out the government's response to the challenges associated with social integration of Roma communities, including issues on the EU level. The principles set out in the strategy aim to create a policy foundation (particularly in education, employment, housing and health policy) for addressing the adverse situation of Roma in the period until 2020, including the use of structural funds in the 2014-2020 programming period. An important aspect of the strategy is the direction of policy towards the majority population.

34. The Slovak Republic (as the 19th UN Member State) has joined **the global COMMIT initiative to end violence against women**. The COMMIT initiative supports the UN Secretary-General's UNiTE campaign to end violence against

women. UN WOMEN launched this campaign on the International Day for the Elimination of Violence against Women (25 November). The Ministry of Labour, Social Affairs and Family of the Slovak Republic has expressed its support for the campaign with specific commitments. The commitments have been published on the UN WOMEN website and were ceremonially presented during the 57th session of the UN Commission on the Status of Women in New York on 04 March 2013, where the initiative culminated.<sup>11</sup>

35. At an event on the topic of “Women’s access to justice” accompanying the high level meeting on the rule of law at the national and international levels, which took place in New York on 24 September 2012, the Slovak Republic presented and undertook to abide by the following pledges:

- to strengthen the legal and institutional framework to recognise women’s rights to be free from all forms of violence against women which is understood as a violation of human rights and a form of discrimination against women in compliance with international human rights law;
- to refrain from engaging in any act of violence against women, to ensure that state authorities including judicial bodies acting on behalf of state act in conformity with this obligation;
- to take all necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence against women that are perpetrated by non-state actors.

36. Under the auspices of the deputy prime minister (hereinafter the “DPM”) and the MFEA, a regular conference has been held to mark **International Human Rights Day** since 2012. The event includes panel discussions on the topic of Human Rights in Slovakia, in which various human rights experts engage in open dialogue.

37. An award for outstanding contributions to the support and protection of human rights has been awarded since 2011 (in 2011 by the deputy prime minister for human rights and national priorities, after the cancellation of this office in 2012 and 2013 by the deputy prime minister and minister of foreign and European affairs).

38. Another related activity that the MFEA has been involved in since 2013 is the **artistic — literary competition for pupils of elementary schools and eight-year secondary schools “Human Rights through the Eyes of Children”**. On 13 September 2013 the first award ceremony for the winners of this competition was held at the MFEA. The best literary works were presented to an invited audience and an exhibition of the 19 best artworks was shown. The main aim of the national competition was to initiate discussion and to promote pupil’s interest in human rights, the principle of non-discrimination, equal treatment and to help, in a creative way, to form their attitudes based on principles of human dignity, equality and respect for others.

### **Institutional arrangements**

39. The **institutional framework for human rights in the Slovak Republic** underwent major changes in the period under review. In 2012 many competences in the area of human rights were assigned to the Ministry of Foreign and European

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<sup>11</sup> The commitments are published on the website: <http://saynotoviolence.org/commit>.

Affairs. The transfer of competences was the result of the current government's decision not to fill the position of deputy prime minister for human rights and national minorities. The deputy prime minister and minister of foreign and European affairs took over coordination and direction of the activities of the Government Council for Human Rights, National Minorities and Gender Equality, the government's advisory body on human rights. Coordination of national human rights policy thus became the responsibility of the deputy prime minister and minister of foreign and European affairs while policy implementation is the responsibility of individual ministries. This approach is fully compatible with the mainstreaming of human rights.

40. In March 2011 the government of the Slovak Republic established the **Government Council for Human Rights, National Minorities and Gender Equality**. Committees operate as specialised bodies within the Government Council. One of these committees is the Committee for Gender Equality, which presents material on gender equality for deliberation in the Government Council. (Detailed information is given in paragraphs 23-25).

41. The **Slovak National Centre for Human Rights**<sup>12</sup> (hereinafter the "SNCHR") is an independent legal entity in the area of the protection of human rights and fundamental freedoms including the rights of the child and supervision of compliance with the principle of equal treatment. The Centre provides legal advice on questions of discrimination, expressions of intolerance and breaches of the principle of equal treatment for all inhabitants of the Slovak Republic and the law also allows it, on request, to represent parties in proceedings on violations of the principle of equal treatment. Every year the Centre issues a Report on the Observance of Human Rights in the Slovak Republic. Gender equality is one of the issues covered by the Report on the Observance of Human Rights in the Slovak Republic. As the national body for equality protection the Slovak National Centre for Human Rights represents the Slovak Republic as a member of the **European Network of Equality Bodies EQUINET**. At the time of writing of this report, the SNCHR has been undergoing reorganisation including legislative changes designed to ensure the effective performance of its tasks for the protection of human rights and protection against discrimination.

42. Article 151a(1) of the Constitution of the Slovak Republic defines the **Public Defender of Rights** (hereinafter the "PDR") is an independent body of the Slovak Republic which protects the fundamental rights and freedoms of natural persons and legal entities in the scope and manner laid down by law in proceedings before public administration bodies and other public authorities if their actions, decision-making or inactivity violate the law. In cases defined by law the public defender of rights can take part in claims for the liability of persons working in public administration bodies if these persons violate the fundamental rights and freedoms of natural persons and legal entities. All public authorities must provide the public defender of rights with all necessary cooperation. The PDR has not yet investigated any conduct of a public administration body in which there was alleged to be unequal treatment of women. The PDR has not received any complaint concerning discrimination against women on the part of the public administration and therefore it is not able to

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<sup>12</sup> Established by Act of the National Council of the Slovak Republic No. 308/1993 Coll. establishing the Slovak National Centre for Human Rights.

provide information from its activities on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

43. Another measure intended to strengthen institutional provision for the protection of human rights, including persons belonging to national minorities, is the appointment of a number of **government plenipotentiaries**: the plenipotentiary for national minorities, the plenipotentiary for Roma communities and the plenipotentiary for civil society.

44. An integral part of domestic human rights policy is the **permanent dialogue with civil society**. In connection with the institutional changes mentioned above, the Ministry of Foreign and European Affairs manages **two further areas of human rights policy**: 1. the promotion, support and protection of human rights and freedoms and 2. the prevention of all forms of discrimination, racism, xenophobia, homophobia, anti-Semitism and other expressions of intolerance. Grants are an important instrument for supporting human rights policy and one of the forms of dialogue with civil society in this sphere.

45. In October 2012 the Government Council for Human Rights, National Minorities and Gender Equality supported the fundamental position of the Committee for Gender Equality adopted by resolution in September 2012 on the need **to create a grant scheme to support activities promoting gender equality**. In November 2012 the government approved a corresponding measure to transfer a sum of EUR 200,000 for a grant scheme supporting the activities and projects of non-governmental, not-for-profit organisations working to promote gender equality in society. This amount was transferred from the budget chapter of the Ministry of Foreign and European Affairs to the budget chapter of the Ministry of Labour, Social Affairs and Family. Gender equality is an integral part of the modern concept of human rights that the Slovak Republic fully identifies with as a member of the EU, the UN and the CoE. The allocation of adequate funds to support activities in this area was therefore a logical and necessary step.

46. Total grants actually awarded in 2013 amounted to approximately EUR 150,000 and grants approved in 2014 amount to EUR 80,000. Because the grant scheme is new and the evaluation experience is in its early stages, it will be necessary to define binding rules for the application process, the eligibility of expenditure and the evaluation and approval of projects to improve the provision of support to NGOs.

47. In accordance with Act No. 524/2010 Coll. on the provision of grants within the competence of the Office of the Government of the Slovak Republic, the grant scheme of the Government Plenipotentiary for National Minorities is oriented towards support for the preservation, expression, protection and development of the identity and cultural values of national minorities, education on the rights of national minorities, inter-ethnic and inter-cultural dialogue and understanding between the national majority and national minorities and ethnic groups. The plenipotentiary's grant scheme applies the principle of non-discrimination, in particular by creating opportunities for implementing projects aimed at persons who are multiply disadvantaged on grounds of ethnicity, nationality and gender.

## Article 4

### Affirmative action

#### Legislation

48. The amendment to the Anti-discrimination Act from April 2013 made it possible for public administration bodies and other legal entities to adopt special measures, known as the affirmative action, to eliminate disadvantages, including those resulting from sex/gender. The legislation laid the foundations for the adoption of effective measures aimed at, amongst other things, increasing women's representation in decision-making positions. The Slovak Republic is aware of the need to adopt legislative measures in the election laws regulating all levels of elected bodies in the country but no such changes are currently under consideration. There are no political initiatives to increase women's representation within political parties.

49. The amendment of Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and amending certain acts (the **Anti-discrimination Act**), as amended, increased the scope of the provisions of section 8a of the act concerning **affirmative action** to apply them specifically and in full in the areas of access to employment, education, healthcare and housing. The current definition of affirmative action is as follows:

*The adoption of affirmative action by public administration bodies or other legal entities shall not be deemed to constitute discrimination if such measures are aimed at eliminating disadvantages resulting from racial or ethnic origin, nationality or ethnic group affiliation, gender or sex, age or disability, in order to ensure equal opportunities in practice. Affirmative action refers to, in particular, measures*

(a) *aimed at eliminating social or economic disadvantages by which members of disadvantaged groups are affected to a disproportionate degree,*

(b) *intended to promote the interest of members of disadvantaged groups in employment, education, culture, healthcare and services,*

(c) *promoting equal opportunities in access to employment, education, healthcare and housing, in particular through targeted preparatory programmes for members of disadvantaged groups or through the dissemination of information on such programmes or on opportunities to apply for jobs in places in the education system.*

*Affirmative action can be adopted if*

(a) *a demonstrable inequality exists,*

(b) *the measure's objective is to reduce or eliminate this inequality,*

(c) *the measures are reasonable and necessary for the achievement of the set objective.*

50. At the time of preparation of this report, the Slovak Republic is **in the process of adopting an expanded concept of affirmative action**. The Ministry of Justice and Ministry of Labour, Social Affairs and Family in cooperation with other relevant actors and civil society has prepared a method for adopting affirmative action measures intended for public and private organisations. A similar publication

has been prepared by the Slovak National Centre for Human Rights.<sup>13</sup> The MLSAF grant scheme supported a project by the NGO OZ Možnosť voľby (Pro Choice) aimed at developing methods for implementing such special measures in relation to sex/gender.

51. The **horizontal priority equal opportunities** (hereinafter “HP EO”) is an integral part of projects supported from the structural funds in the current programming period and it is evaluated each year in the annual reports of all the operational programmes. The objectives of the HP EO include the following **objectives in the area of gender equality and equal opportunities for women and men:**

*Objective 1.1. Increasing women’s employment and reducing women’s unemployment in the labour market.*

*Reducing the gap between women and men in the employment and unemployment rates.*

*Objective 1.2. Increasing women’s participation in the labour market through measures for the reconciliation of work and family life (such measures include facilities providing childcare and care for other dependent persons, multifunctional centres for reconciling work and family life).*

*Reducing the gap in employment rates between women with children and men with children.*

*Objective 1.3. Reducing the gender pay gap between women and men.*

*Increasing the qualification and skill levels of women and men in industries and areas in which there is not a high concentration of women (gender desegregation).*

*Increasing the proportion of self-employed persons and members of company management bodies who are women.*

*Objective 1.4. Reducing women’s risk of poverty (especially in retirement).*

*Objective 1.5. Reducing the number of victims of domestic violence, particularly women, through an increase in the number of services for victims of domestic violence.*

52. The Slovak Republic has a system of special measures established in law to support particularly vulnerable members of society. The system of **assistance in material need**,<sup>14</sup> through which assistance is provided if the income of members of a household is less than the subsistence minimum defined by applicable legislation,<sup>15</sup> sets conditions for entitlement to the provision of assistance in material need that are the same for women and men. In order to encourage a responsible attitude to the **protection of women’s health during pregnancy**, the healthy prenatal development of the child and parenthood as such, a pregnant woman is entitled to a protective allowance from the fourth month of pregnancy if she attends a regular monthly preventative check-up with a doctor specialising in gynaecology or obstetrics. The protective allowance is EUR 13.50. A parent is also

<sup>13</sup> Mesároš et al.: Dočasné vyrovnávacie opatrenia (Temporary Special Measures). Slovak National Centre for Human Rights, Bratislava 2013. ISBN: 978–80–89016–73–0.

<sup>14</sup> Defined by Act No. 417/2013 Coll. on assistance in material need and amending certain acts.

<sup>15</sup> Act No. 601/2003 Coll. on the subsistence minimum and amending certain acts, as amended.

entitled to a protective allowance in the given amount if she/he provides personal, full-time, proper care for a child up to one year of age. In 2013 the allowance to a pregnant woman was provided to 1,567 recipients of assistance in material need on average per month. In 2013 the allowance to the parents of a child up to 1 year of age was paid to 3,166 recipients of assistance in material need on average per month.

53. Since 2004 the principles of Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and the amendment of certain acts (The Anti-discrimination Act) have been fully incorporated into Act No. 461/2003 Coll. on **social insurance**, as amended (hereinafter the “Social Insurance Act”). During the preparation of every amendment of the Social Insurance Act care is taken to ensure that these principles are consistently applied.

54. The Social Insurance Act lays down **special measures for the protection of pregnant women**. It stipulates that an insured women who is pregnant or who is caring for a new-born child is entitled to maternity benefit if she was insured for at least 270 days in the two years before giving birth. The period of 270 days includes periods during which an employee’s mandatory sickness insurance is suspended due to use of parental leave in accordance with applicable legislation and periods of suspension of a self-employed person’s sickness insurance if she was entitled to a parental allowance pursuant to applicable legislation and did not perform activities of a self-employed person for which sickness insurance and pension insurance are mandatory. This provision means that if a woman has another child, the period for which sickness insurance was suspended will be counted with period of sickness insurance for the purposes of calculating entitlement to maternity benefit. Another step that has improved the standing of pregnant working women is the extension of the protective period from 6 months to 8 months, which means in practice that if their sickness insurance ends during pregnancy they are entitled to maternity benefit because the protective period lasts until the start of maternity leave.

55. In accordance with the Social Insurance Act, **a female employee is entitled to an equalisation benefit** if she is assigned to other work during pregnancy because the work that she previously performed is prohibited for pregnant women under applicable legislation or because a medical opinion finds that it would put her pregnancy at risk, and she has a lower income in the work to which she is assigned without any fault on her part. The same applies to women up to the end of the ninth month after birth. Equalisation benefit is paid by the Social Insurance Agency. These provisions protect working women against loss of income by reason of pregnancy or maternity.

56. In order to improve the social status of persons (who in our conditions are most often women) who care for a child **under the age of six years** and, in the case of a child with a long-term adverse health condition, after the child’s sixth birthday at longest until the child’s 18th birthday, the law requires that these persons must have pension insurance and that the state must pay the pension contributions. In practice, this means that certain pension entitlements are recognised for a period of due care for a child and therefore the period is included in the period of pension insurance and contributes to the amount of the calculation of the pension according to the relevant procedure.

57. Pursuant to Act No. 43/2004 Coll. on old-age pension saving and amending certain acts, as amended, the state pays mandatory contributions to the fully-funded

pillar for persons enrolled in old-age pension savings during the period of due care for a child under the age of six years and, in the case of a child with a long-term adverse health condition, after the child's sixth birthday (at longest until the child's 18th birthday), likewise during receipt of a carer's allowance and likewise for a saver for whom, as an employee or self-employed person, the state pays pension insurance contributions during the provision of maternity benefit. The saver must also satisfy the conditions laid down by Act No 461/2003 Coll. on social insurance, as amended.

58. In accordance with the Social Insurance Act, the period of unemployment insurance for entitlement to unemployment benefit includes the period in which an employee's mandatory unemployment insurance is suspended due to **use of parental leave**. This provision means that persons who have taken parental leave pursuant to applicable law are entitled to unemployment benefit if they cannot find work after the end of their parental leave.

59. The Social Insurance Act also ensures equal standing of women and men in the provision on **youth invalidity pensions**. A natural person is entitled to an invalidity pension even if he or she becomes an invalid while she/he is a dependent child and has permanent residence in the Slovak Republic. She/he becomes entitled to the invalidity pension from her/his 18th birthday. In this way support is extended to persons who from a very young age are unable to work by reason of their adverse health condition and who are therefore unable to complete the mandatory period of pension insurance and whose adverse health condition also prevents them from engaging in gainful activity that would provide income to cover their living costs. Entitlement to this invalidity pension requires satisfaction of the statutory conditions, which are the same for men and women.

60. A major change in social insurance law that came into effect in January 2011 and improved conditions for women on maternity leave was an increase in maternity benefit to 60% of the daily assessment base from the previous rate of 55% of the daily assessment base. With effect from 01 January 2012 maternity benefit was increased again, to 65% of the daily assessment base. The positive effect of the increase in the percentage of the daily assessment base for maternity benefit can be clearly seen in the table below:

Table 1  
**Receipt of maternity benefit in the Slovak Republic**

	2010	2011	2012	2013
Average number of recipients of maternity benefit	20 093	23 213	24 221	23 858
Average amount of maternity benefit (EUR)	317.91	384.58	443.39	440.69

*Source: 1 Ministry of Labour, Social Affairs and Family.*

61. With effect from 01 January 2011 there was also an extension of the period for which maternity benefit is paid — from the original 28 weeks to 34 weeks. In the case of women who give birth to two or more children and care for at least two of them, the duration of maternity benefit was extended from 37 weeks to 43 weeks. A



single mother is entitled to maternity benefit until the end of the 37th week from the start of entitlement to maternity benefit.

62. The increase in maternity benefit and the extension of the period for which it is paid was applied to all mothers, including those who began maternity leave before 01 January 2011. In practice that means that the amount of maternity benefit paid to women on maternity leave grew closer to the pay that they earned in the time when they were working.

63. In terms of efforts to solve the **problem of poverty and social exclusion**, gender is a factor that increases the risk of poverty. In general, women are at greater risk of poverty than men. This means that gender equality is an important cross-cutting issue when designing and adopting instruments to support solutions for poverty and social exclusion. At the same time, it should be noted that the EU SILC 2012 findings indicate almost the same risk of poverty for both sexes. For women it was 13.3% and for men it was 13.2%. In terms of economic activity, gender disparities are most pronounced in the categories of inactive persons and retired persons. Women who were inactive were the most exposed to the risk of poverty — 20.3% whereas for such men the percentage was 15.0%. Amongst retired persons, 8.8% of women were at risk of poverty compared to 5.8% of men, which is 1.5 time more often. The smallest gender gap was for employed persons, where 6.6% of men were at risk of poverty compared to 5.6% of employed women.<sup>16</sup>

64. Regarding the implementation of state policy for the support of especially vulnerable population groups from marginalised Roma communities (hereinafter “MRC”), the Office of the Government Plenipotentiary for Roma Communities (OGPRC), which is an advisory body to the government of the Slovak Republic, performs tasks in accordance with its statutes approved by Government Resolution No. 308 of 27/06/2012 to deal with issues affecting Roma communities and to implement systematic measures to improve their standing and social integration, to implement and coordinate more effective policies and to implement systematic measures aimed at preventing the social exclusion of Roma communities and supporting their social integration.

65. On 10 August 2011, Government Resolution No. 522 approved the Revised National Action Plan for the **Decade of Roma Inclusion 2005-2015 for the years 2011-2015** (hereinafter the “Decade”). This national action plan covers full range of basic elements in the integration process, education, employment, health, housing. The revision of the action plan took account of acts adopted by the Council of Europe and the European Union to increase the effectiveness of the Roma integration process and to improve their living conditions.

66. Government Resolution No. 1 of 11 January 2012 approved the **Strategy of the Slovak Republic for Roma integration to 2020** (hereinafter the “Roma Strategy”) and at the same time made the revised national action plan for the Decade the Slovak Republic’s action plan for Roma integration to 2020 in the areas of education, employment, health and housing. The adopted material also established policies for financial integration, non-discrimination and approaches to majority society — the Initiative for Roma Integration through Communication. The Slovak Republic is currently preparing the final form of its plans in the last three mentioned areas. The strategy includes foundational principles and implementation principles

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<sup>16</sup> Source — EU SILC 2012, SO SR, 2013.

in accordance with the OSCE Action Plan on Improving the Situation of Roma and Sinti. The strategy itself is based on the principles of a comprehensive solution, destigmatisation, desegregation and deghettoisation. The implementation principles have been defined on a basis of solidarity, legality, partnership, comprehensiveness, conceptuality, a systematic approach and sustainability, respect for regional and subjective characteristics, gender equality, responsibility and predictability.

67. One of the global objectives of the Roma Strategy is to focus on the elimination of the multiple discrimination of women and the reduction of gender inequality in the private and public life of marginalised Roma communities and to support the economic independence of Roma women by means of gender equality outreach activities in cooperation with NGOs concerned with gender equality. The Roma Strategy also includes multiple objectives for increasing gender equality in all areas that it covers. Indicators of gender status are specified for the monitoring of task performance for individual objectives in the strategy. The strategy sets special measures, particularly in the recommended areas — i.e. health, employment, housing and education, and also includes measures to increase Roma participation, including women's participation, in public and political life.

68. The Office of the Government Plenipotentiary for Roma Communities has submitted a report on the Roma integration strategy for 2012 and 2013 for interdepartmental review and this monitoring report is currently before submission for consideration by the government.

69. To support the promotion of gender equality and mitigation of the effects of multiple disadvantage and discrimination long faced by Roma women and girls, especially those from marginalised Roma communities, the OGPRC provides grants from the public administration budgets that contribute to improved access to healthcare and support the area of employment and employability. Grants have also been provided under the grant schemes of the Office of the Government and the Ministry of Interior for selected project activities for the protection of Roma women. In 2011, support was provided for the project “Improving the social level of Roma women through educational and cultural activities in the civil association OZ IPCR Rimavská Sobota”. In 2013 support was provided for a project “Development of a communication strategy to support the integration of Roma men and women in the Slovak Republic”.

70. As part of the National Programme on the Fight against Trafficking in Human Beings the OGPRC took part in the training of programme participants (field social workers, staff of the offices of labour, social affairs and family, police specialists, prevention workers, municipal police officers, leaders of Roma community centres) organised by the Ministry of Interior in 2009-2010 and was involved in the publication of “Basic Information on the Problem of Trafficking in Human Beings”. As part of this programme it also directly supported projects aimed at the prevention of trafficking in human beings (Matej Bel University in Banská Bystrica, the Association of Community Centres in Košice, the civil association OZ Nová cesta Michalovce) through the grant scheme of the Office of the Government — Office of the Government Plenipotentiary for Roma Communities.

71. From January to December 2012 a project was implemented by the Office of the Government in cooperation with NGO partners — Citizen, Democracy and Accountability and The Center for Civil and Human Rights — with financial support from the Office of the Government and the European Union under the title

**Equality in the Slovak reality — Overcoming institutional barriers in implementing the principle of equal treatment by increasing the potential for equality mainstreaming.** An agreement on implementation of the project was concluded with the European Commission — DG Justice as part of the PROGRESS programme (2011-2012). The total cost of the project was EUR 251,571. The project focussed primarily on the promotion of human rights and the principle of equality in practice and equal treatment of vulnerable groups that continue to be frequently discriminated against, particularly on grounds of disability, racial or ethnic origin (especially Roma communities), age, belief/religion and sexual orientation. The project activities and outputs covered relevant areas of (anti-) discrimination — employment, education, access to goods and services, healthcare, culture, media and others.

72. In the period since the last consolidated report was submitted to CEDAW there has been a certain degree of improvement in the living conditions of women who are migrants living in the Slovak Republic as regards their access to legal advice, healthcare, education, language training and reproductive and sexual health services. Conditions have also been established for a partial improvement in the social and cultural integration of women who are migrants. The status of migrant women in Slovakia was the subject-matter of several research reports and there has been some improvement in awareness of this problem through media activities and public discussion.

#### **Article 5**

##### **Elimination of gender stereotypes and prejudices**

73. One of the operational objectives defined by the **National Strategy for Gender Equality 2009-2013** is “Identifying gender stereotyping (an artificial, stereotypical causal framework), weakening it and avoiding it and creating a non-stereotypical system of relations including culture and an awareness that respects the equality of women and men and an education system that fully embraces the equality of women and men.”

74. The MLSAF Education Centre is implementing the **national project Institute for Gender Equality** aimed at improving gender equality and eliminating gender gaps and stereotypes. The project is aimed at employers implementing policies and measures for social inclusion and equal opportunities in the public and non-public sectors. The objectives of the project are

- creation of an environment, effective mechanisms and instruments for implementation of gender equality and elimination of gender inequality in the labour market;
- improvement of awareness, advice and increase of legal awareness in the field of discrimination;
- creation of an e-system for gender mainstreaming and its state-wide coordination;
- improvement of the specialised knowledge of participants in the prevention and elimination of discrimination;
- improvement of the information database and situation monitoring in the field of gender equality in the labour market

75. The elimination of gender stereotypes, especially in relation to the labour market and education, is an integral component of the new **Operational Programme Human Resources**, which has been prepared for the new programming period in the use of EU structural funds 2014-2020. The specific objectives are defined as follows: *To increase the availability of good-quality, sustainable and affordable solutions for care of a dependent member of a household, especially a child, in order to increase the employment rate and To eliminate horizontal and vertical gender segregation in the labour market and vocational training.*

76. A crucial factor in the elimination of gender stereotypes is the **activity of non-governmental organisations**. The Slovak Republic uses a variety of grant schemes to support a wide range of NGO projects aimed at this area. The grant scheme of the MLSAF supporting gender equality supports NGO projects aimed at, amongst other things, disseminating (dissemination of) information on gender equality and the need to eliminate gender stereotypes in society. The most significant NGO projects aimed at eliminating gender stereotypes that received support from public funds include, in our opinion, the following:

77. The project of the **NGO Aspekt under the name Pink and Blue World** — increasing gender sensitivity in the education process in elementary and secondary schools as preparation for future desegregation of occupations, aimed at gender-sensitive teaching, in particular increasing gender competence, applying a gender perspective in education and fairness in the division of labour between women and men. The project was carried out as part of the Community Initiative EQUAL with funding from the European Social Fund. The project ran from March 2005 to the end of October 2008. The project Pink and Blue World produced many outputs that can be used as the basis for further work relating to the search for instruments for increasing society's gender sensitivity, especially in the field of gender sensitive education. The project results and examples of good practice are available on the project website, which will remain available for anyone who is interested and has the potential to develop further.

78. The project **Rúcame stereotype** (Breaking Down Stereotypes) was carried out by the civil association Združenie lesníčiek (Women foresters association) from Zvolen with financial support from the Office of the Government. The objective of the project was to prevent all forms of discrimination affecting women's status in work and society, especially in traditionally male occupations in rural parts of the Slovak Republic. The project activities related to legal advice on discrimination, especially discrimination in the working process, and the provision of specialised information on discrimination in the form of examples of good practice. The results of the competition Rural Woman of the Year 2011 were announced at an event accompanying a specialised seminar on Breaking Down Stereotypes with international participation.

79. Similar projects promoting gender sensitive education and the elimination of gender stereotypes were carried out by other civil associations such as Esfem, Citizen, Democracy and Accountability, Možnosť voľby (Pro Choice) and others.

80. One of the topics of public discussion in the period under review was equal parental rights after a divorce, i.e. the implementation of "**alternating custody**". This topic particularly concerned fathers' rights organisations, whose main objective was to increase the sensitivity of courts, offices of labour, social affairs and family,

politicians and the public and to draw attention to the potential handicaps that fathers face in proceedings on care of children after a divorce.

81. An important instrument for the field of education on human rights, including gender equality that applies to all children, pupils and students (including children belonging to minority groups) is the **Plan for Human Rights Education 2005-2014**, whose implementation is the responsibility of the Ministry of Education, Science, Research and Sport of the Slovak Republic. The plan's supervisor is the Slovak National Institute for Education, which is also the coordinator of the proposed tasks which will be implemented in cooperation with the Methodology and Pedagogy Centres in the Slovak Republic, the Research Institute for Child Psychology and Pathopsychology, the State School Inspection, the Institute of Information and Prognoses of Education, the State Institute for Vocational Education and non-governmental organisations involved in the development of the National Plan for Human Rights Education. Since 2008 it has been a part of the state education programme for primary (first level of elementary school), lower secondary (second level of elementary school) and higher secondary education (secondary schools). It is implemented through areas of education that relate to the topic (e.g. the educational areas the person and society, the person and values, art and culture, the person and health) and also through the implementation of the cross-cutting themes Multicultural Education and Personal and Social Development in the school education programmes of elementary and secondary schools.

82. Support for education on human rights for all children, pupils and students is included in the approved **Pedagogical Organisational Instructions for each calendar year**. It is implemented primarily through accredited programmes of the Methodology and Pedagogy Centre and its regional offices. The topic of improving awareness of human rights including gender equality and cooperation with civil society and the topic of human rights have been integrated into all types of education — through senior pedagogical staff, educational counsellors, prevention coordinators, education in the area of didactics, psychology, social sciences and multidisciplinary education, upbringing subjects, upbringing outside teaching hours, preschool education and final specialised qualification studies such as ethics etc.

83. In 2014 the Ministry of Education, Science, Research and Sport organised the XVI annual Human Rights Olympics for pupils of secondary schools. The objective of this competition is to strengthen the basic pillars of democracy in Slovakia amongst studying young people, with a particular emphasis on the protection and implementation of human rights, and to increase knowledge and understanding of human rights, including children's rights. Women's human rights and gender equality were featured as the theme for the competition in 2013.

84. During the period under review the Slovak National Institute for Education in cooperation with the Institute of Information and Prognoses of Education and the State School Inspectorate carried out **a project to monitor and evaluate human rights in schools**, which included tests of the knowledge of pupils in year 9 of elementary schools and year 4 of secondary schools concerning human rights. Selected textbooks were analysed qualitatively for their treatment of human rights. Selection procedures for new textbooks include checks that information is presented in a non-discriminatory fashion. The Slovak National Institute for Education has prepared objectives and content for multicultural upbringing and education to be included in the State Education Programme for the ISCED 0 and ISCED 1 levels

(2009-2011), including measures to prevent all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance. On the regional level the issue is incorporated into practice through school education programmes, internal school guidelines and internal school rules. At the school level, coordinators for human rights and drug prevention, educational counsellors, special needs teachers and class teachers are responsible for the performance of tasks.

85. The Slovak Republic gives due consideration to increasing awareness of human rights and gender equality through **information campaigns**. The largest information and media campaign in this area was conducted as part of the national project Institute for Gender Equality during spring 2014. The objective of the campaign was to draw attention to the gap between men's and women's pay and the overall lower remuneration of women's work.

86. IUVENTA — the Slovak Youth Institute carries out education and awareness-raising activities concerning human rights. In December 2013 it organised the **Living Library** which provides opportunities for informal conversation between readers — members of the majority population and books — members of disadvantaged groups in the population. In 2013 an art and literature competition for primary schools, **Human Rights through the Eyes of Children**, was organised under the auspices of the deputy prime minister and minister of foreign and European affairs.

#### Analysis of the existing situation and development trends

87. Slovak society continues to be relatively conservative, with a large part of the population declaring affiliation to the Catholic church. In this conservative environment there is a **strong support for the traditional, stereotypical division of tasks** and duties between wives/mothers and husbands/fathers. There continues to be a high level of acceptance for a model of the family where the man is the breadwinner and the woman takes care of children and the household. Policies aimed at eliminating gender stereotypes meet with resistance in the conservative Christian environment, which prefers to emphasise the biological differences between men and women and the resulting “natural” division of labour and gender roles.

88. One consequence of persistent gender stereotypes is that care of children and other family members is still seen as women's work. Only a very few fathers make use of parental leave. Men's low participation in housework and the absence of public and private services (or their financial inaccessibility) prevent many women from returning to the labour market. Because women continue to bear most of the responsibility for care of dependent family members in Slovakia, their increasing role in the world of paid employment means that they are increasingly **confronted with a double burden**. Many women care for elder family members without appropriate equipment or access to services.

89. A key factor in the status of women and men in society is the **relationship between paid and unpaid work and the distribution of unpaid work between men and women**. There is a long-term gender disparity in the allocation of unpaid work. In 2010 women in employment spent on average four times as many hours as employed men on childcare, adult care and housework, i.e. unpaid work.

90. It should also be noted there is a **significant gender dimension to the effect of parenthood** on women's and men's employment — the presence of children under the age of six years in a family substantially reduces women's employment rate but raises men's employment rate. The employment rate of women aged 25-49 years with a child under the age of six years is less than 40% while for men in the same age group and in the same phase of parenthood it is over 83%. While the difference in the employment rate of men with children and without children is 11 percentage points, i.e. men with children are more likely to be employed than men without children, the difference between women with children and without children is -26.7 percentage points.<sup>17</sup> In recent years the difference for women has actually increased: in 2008 it was -24.9 percentage points.

91. The gap between men's and women's remuneration for work widens after the birth of each additional child. One of the reasons for these structural problems lies in the fact that **women's transition into paid labour has not sufficiently been matched by men's transition into unpaid work in the home.**<sup>18</sup>

92. Stereotypical ideas about the roles of men and women in the family are reflected in the **choice of a parent to provide personal care for a child after a divorce**. Children are placed in the mother's personal care in approximately 85% of cases; they are placed in the father's personal care in 10% of cases and alternating care is ordered in approximately 5% of cases.<sup>19</sup> This trend reflects the stereotypical perception of mothers' and fathers' roles in children's upbringing both on the side of the parents and judges, although other factors also play a role in judgements (including a lack of interest amongst fathers themselves in participating in childcare).

93. The gender pay gap is largest for people with higher education, which points to the fact that investment in education — human capital produces a better return in the case of men than of women. This difference is mainly owing to the **horizontal segregation of sectors based on stereotypical concepts of "women's work"**, which is reflected in the selection of subjects to study. As a result of historical trends and stereotypical attitudes, the work done by women is usually considered to be work of lower value and this is reflected in the amount of earnings in predominantly feminised sectors. Although women have a very good level of education they are unable to achieve equal earnings or only very slowly reduce the difference. The disproportionate share of parental duties borne by women and other structural barriers reduce the return on investment in education and women's talents and the use of their human capital.

94. Stereotypical concepts and prejudices about "work suited to women" are also reflected in **what subject a person chooses to study**. Although women have made up a larger percentage of graduates of higher education in Slovakia than men for several years, it is important to look at the structure of the subjects that young women and men complete. Amongst the most lucrative and easily applicable qualifications are in technical and mathematical subjects. In 2011, approximately 37% of all male graduates in higher education (ISCED 5-6) had studied

<sup>17</sup> Data for 2011, age group of parents aged 25-49 years with a child up to 12 years of age and without a child (source: Eurostat).

<sup>18</sup> Jarvklo, N., 2013: Parental leave policy in Sweden: evolution, lessons learned. Paper on Fifty-seventh session, March 2013 of United Nations Commission on the Status of Women, New York.

<sup>19</sup> Source of statistics: Central Office of Labour, Social Affairs and Family, [www.upsvar.sk](http://www.upsvar.sk).

mathematical, science and technology subjects. In the case of women, only 11.6% of ISCED 5-6 graduates in all subjects pursued such subjects and over the last ten years the share has been in the range 16-11%.<sup>20</sup> The education system is at the same time an economic sector of the labour market that has on the one hand a sharp predominance of female teachers but also a hierarchical structure: as the level of education increases, the proportion of teachers who are women becomes smaller. In 2011 89% of teachers in elementary schools (ISCED 1) were female, 71% were female in secondary schools (ISCED 3) and in higher education (ISCED 5-6) the female percentage was only 44%.<sup>21</sup> The unadjusted gender pay gap in the education sector was nearly 16% in 2011.

## **Article 6**

### **Violence against women and traffic in women**

#### Legislation and political measures

95. The Slovak Republic has adopted a number of measures and initiatives to combat violence against women. The cross-cutting nature and difficulty of the issue of violence against women, including the fact that it is an area that has long been a taboo area where unresolved problems have become standard and stereotyped parts of life, have caused problems to grow and accumulate. The situation is affected not only by misunderstanding and incorrect attitudes to violence against women in society, but also by the absence of coordinated, specialised and well-developed services for assisting the victims of such violence. Being aware of these matters and seeking to change this unfavourable situation, the government of the Slovak Republic adopted two **National Action Plans for the Prevention and Elimination of Violence against Women** in the period under review, covering the periods 2009-2012 and 2014-2019 respectively.

96. In 2008 the evaluation report on implementation of the National Action Plan for the Prevention and Elimination of Violence against Women 2005-2008 found that certain tasks had been completed. One of the problems that remained was the insufficient number and quality of services provided to women who suffered violence. The issue relates particularly to the availability and quality of services with reference to European standards, the coordination of the work of the helping professions on the regional level and financing for services in this area. The report emphasised the need for full coordination of all components of assistance for the victims of violence by the creation of coordination intervention teams in all regions of Slovakia. It highlighted the need to increase the quality of training for all professions that come into contact with the victims of violence. A measure whose continuation was found to be important was the collection of statistical data and the acquisition of research data for the purpose of improving activities for the prevention and elimination of violence against women in the years 2009 to 2012.

97. Implementation of tasks under the National Action Plan for the Prevention and Elimination of Violence against Women 2005-2008 found that violence against women is dealt with within the competences of the ministries of interior, education, labour and health in the Slovak Republic and other institutions and authorities, in particular the self-governing regions, by these authorities' standard procedures and

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<sup>20</sup> Eurostat, <http://appsso.eurostat.ec.europa.eu/nui/setupModifyTableLayout.do>.

<sup>21</sup> Eurostat: [http://epp.eurostat.ec.europa.eu/cache/ITY\\_PUBLIC/3-07032013-AP/EN/3-07032013-AP-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-07032013-AP/EN/3-07032013-AP-EN.PDF).



policies for the prevention, elimination and assistance of victims of crimes against individuals. Full comprehensive assistance can be assured by cooperation between specialists in the above-mentioned bodies together with regional and communal authorities and non-governmental organisations.

98. The **National Action Plan for the Prevention and Elimination of Violence against Women 2009-2012** (2009) built on the operational objectives of the National Strategy for the Prevention and Elimination of Violence against Women and in Families and developed them in the light of new experience and the requirements of international documents and practice. The tasks are mainly formulated in the context of the previous plan by means of specific measures, with issues of statistical findings and monitoring added to the research area. The material was supplemented by three extension areas: education and sensitisation of the helping professions, violence against women in the workplace and work with the perpetrators of violence.

99. The definition of tasks of the National Action Plan for the Prevention and Elimination of Violence against Women 2009-2012 was based on the **Concluding Observations of the UN Committee on the Elimination of Discrimination against Women**. NGOs will play a vital role in the implementation of the action plan because they have many years of experience and specialised knowledge in dealing with violence against women. Compared to the previous plan, the current action plan for the years 2009-2012 covers more types of violence but still does not cover all the forms of violence that have been defined. The reasons for this are that some forms of violence do not occur in the Slovak Republic owing to its culture and traditions, some forms of violence are the subject-matter of other action plans and others will be dealt with by successor action plans in the future.

100. In 2013 the MLSAF submitted a draft **National Action Plan for the Prevention and Elimination of Violence against Women 2014-2019**, whose aim is to create, implement and coordinate a comprehensive national policy. The proposed National Action Plan for the Prevention and Elimination of Violence against Women 2014-2019 was presented and approved at the meeting of the government of the Slovak Republic on 18 December 2013. Despite the continuing implementation of tasks defined in the previous action plans and a definite movement in the matter of violence against women in recent years, according to the NAP it must be acknowledged that Slovakia still has no coordinated system for providing assistance to women who experience violence or for primary prevention of such violence. The objective of the proposed NAP is to design, implement and coordinate a comprehensive, nationwide policy on the prevention and elimination of violence against women. The plan includes specific proposals such as the preparation of a law on domestic violence and violence against women, the establishment of a Coordination Methodological Centre and support for services, education and awareness in this area.

101. An important strategic document for efforts to combat trafficking in human beings is the **National Programme on the Fight against Trafficking in Human Beings for the Years 2011-2014** (adopted by resolution of the government of the Slovak Republic No. 96 of 16/02/2011), the aim of which is to establish a comprehensive and effective national strategy for combating trafficking in human beings that supports the development of mutual understanding and coordinated activity of all actors in the elimination of risks and the prevention of the crime of trafficking in human beings, and also in the creation of conditions for the provision

of support and assistance to the victims of trafficking in human beings and ensuring the protection of their human rights and dignity.

102. A priority is the preparation for ratification of the **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence**, including legislative amendments to implement the commitments made therein.

103. The Department of Gender Equality and Equal Opportunities and the Institute for Labour and Family Research prepare an annual **Report on Violence against Women** that evaluates the scope and effectiveness of interventions provided for the victims of violence against women.

104. The National Action Plan for the Prevention and Elimination of Violence against Women 2009-2012 assigned the Office of the Criminal Police of the Presidium of the Police Force the task of preparing a **Monitoring Report on Exclusion from Shared Dwelling in the period 15/12/2008 to 31/03/2010**. The report relates to the amendment of the Act on the Police Force, which increased the scope of police officer's power to exclude a perpetrator from a shared dwelling for 48 hours. Experience showed that in certain cases the 48-hour exclusion period for a perpetrator of violence fell on a weekend, public holiday or non-working day, as a result of which victims did not have a sufficient opportunities to make institutional arrangements for their situation. The act was then amended so that the exclusion period does not count down during Saturdays, Sundays and public holidays. The exclusion period now counts down only during working days and victims and responsible authorities have more time to deal with the situation. The monitoring report prepared by the Ministry of Interior reported positive feedback on the above-mentioned amendment.

105. The Slovak Republic is currently preparing ratification of the **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (Istanbul, CETS No. 210 hereinafter the "Istanbul Convention"), which was adopted in 2011. The Slovak Republic signed the Convention in Istanbul on 11 May 2011. The Convention is the widest reaching international document in this area setting forth zero tolerance for violence against women and domestic violence. It is the first comprehensive and precise legally binding instrument for preventing and combating violence against women and domestic violence on the European level. The human rights standards achieved in the Convention are milestones for further discussion. The Convention understands violence against women as a human rights violation and a form of discrimination against women. Discrimination against women is a negation of the principle of gender equality and the equal rights of men and women. The Convention foresees the establishment of an international group of independent experts (GREVIO) to monitor its implementation on national levels.

106. In the international context, the Slovak Republic was one of the first Member States of the Council of Europe to sign the Istanbul Convention on the date of its opening for signature, 11 May 2011, in Istanbul. By signing the Convention the Slovak Republic clearly indicated that it will not be indifferent to this negative phenomenon from which contemporary Slovak society is not immune. The Convention is a multilateral international treaty of a presidential character, an international treaty on human rights and fundamental freedoms, an international treaty directly establishing rights or duties of natural persons or legal entities and an

international treaty whose implementation requires a law. Pursuant to article 7(4) of the Constitution of the Slovak Republic the consent of the National Council of the Slovak Republic is required before its ratification. Under article 7(5) of the Constitution of the Slovak Republic it has priority over law. The government deliberated on the Convention at its session of 04 May 2011, where it adopted Resolution No. 297 on its signing by the Slovak Republic subject to ratification. In view of the broad scope covered by the Convention, the summary analysis made of the Convention's legislative impact and the need to establish a central coordinating body (Article 10 of the Convention), it is at present necessary to adopt certain additional amendments to legislation and establish central institutional arrangements for the Convention's implementation in Slovakia. To this end the Ministry of Labour, Social Affairs and Family has prepared and submitted to the Office of the Government a project for the establishment of a Coordination Methodological Centre for the Prevention and Elimination of Violence against Women and Domestic Violence, which will be implemented through the Norway Grants (the Norwegian financial mechanism) and completion of which is one of the prerequisites for ratification of the convention by the Slovak Republic.

107. A major international conference on the Convention was held in Bratislava on 29 November 2011. The conference, entitled Effective ways to prevent and combat violence against women and domestic violence was organised by the Council of Europe in partnership with the Ministry of Justice of the Slovak Republic and the Norway Grants. The conference was attended by representatives of 18 member states of the Council of Europe and states that were beneficiaries of Norway Grants in the years 2009-2014.

108. Details of the criminal law penalties for violence against women were given in the previous report. In recent years the Slovak Republic has adopted a **series of legislative amendments affecting various provisions of the Criminal Code, the Code of Criminal Procedure, the Code of Civil Procedure, the Civil Code and other acts** with a substantial effect on legal penalties against various forms of violence against women and the trafficking of women.

109. The provisions of the **Criminal Code** guarantee victims access to legal aid through the information duty of law enforcement authorities. Legislation also facilitates the activities of victim assistance organisations, including the provision of legal advice. Current law guarantees victims the right to legal aid free of charge when claiming compensation in criminal proceedings and also in civil lawsuits through the **Legal Aid Centre**.<sup>22</sup>

110. In the years 2008-2013 there were a number of major legislative changes in **criminal law** that related to the prevention and elimination of violence against women and domestic violence. These changes included the **specification and extension of the existing constituent elements of offences and the introduction of new constituent elements of offences** through amendments of Act No. 300/2005

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<sup>22</sup> At present the Legal Aid Centre does not provide legal aid or legal representation in criminal law proceedings and does not have any branches or offices abroad. The National Action Plan for the Prevention and Elimination of Violence against Women 2014-2019 includes a task assigned to the Ministry of Justice of the Slovak Republic (point 15) to provide for the amendment of Act No. 327/2005 Coll. so that offices of the Legal Aid Centre in the Slovak Republic provide legal advice for, amongst other clients, women at risk from violence and legal representation for the victims of violence against women also in criminal cases.

Coll. the Criminal Code. As regards the implementation of the Convention, violence against women and domestic violence in their broader sense are included in the definitions of crimes in the current Criminal Code, in particular:

(a) *crimes against life and health (forms of physical violence against women): Premeditated murder (section 144), Murder (section 145), Manslaughter (sections 147-148), Causing death (section 149), Illegal abortion (section 150-153), Assisted suicide (section 154) Bodily harm (only sections 155 and 156), Unauthorised removal of organs, tissue and cells and unlawful sterilisation (section 159-160);*

(b) *crimes against human dignity (forms of physical violence against women): Rape (section 199), Sexual assault (section 200), Sexual abuse (sections 201-202);*

(c) *crimes against the family and youth (forms of economic violence against women and psychological violence against women): Neglect of obligatory maintenance (section 207), Abuse of a close person or person in care (section 208);*

(d) *crimes against other rights and freedoms: Procuring and soliciting prostitution (section 367).*

111. The present Criminal Code includes a significantly broader definition of the crime of “Abuse of a closer person or person in care” (section 208). According to section 208(1) of the Criminal Code

*“Whoever abuses a close person or person in his/her care or upbringing, causing physical suffering or mental suffering to the person so abused*

(a) *by beating, kicking, blows, causing injuries or burns of various kinds, humiliation, contemptuous treatment, constant harassment, threats, causing fear or stress, forced isolation, emotional blackmail or other behaviour that endangers his/her physical or mental health or impairs his/her security,*

(b) *by unjustified denial of food, rest or sleep or the deprivation of necessary personal care, clothing, hygiene, healthcare, housing, upbringing or education,*

(c) *by forced begging or repeated performance of activities requiring a physical or mental burden on him/her that is disproportionate to his/her age or health condition or which could damage his/her health,*

(d) *by exposing him/her to the influence of substances capable of damaging his/her health or*

(e) *by restricting without justification his/her access to property that he/she has the right to use, shall be sentenced to imprisonment of three years to eight years.*

*An offender shall be sentenced to imprisonment of seven years to fifteen years if he/she commits the crime defined in paragraph (1)*

(a) *and thereby causes severe injury or death,*

(b) *for special motivation,*

(c) *after having been convicted of such a crime or released from a custodial sentence for such a crime in the last twenty four months, or*

(d) *in a more serious manner.*

*An offender shall be sentenced to imprisonment of fifteen to twenty-five years, or life imprisonment if he/she commits the crime defined in paragraph (1) and thereby causes severe injury to multiple persons or the death of multiple persons.*

112. With effect from 01/09/2011<sup>23</sup> the **Criminal Code** incorporated a constituent element of the offence of dangerous harassment under section 360a of the Criminal Code to penalise “**stalking**”, i.e. the long-term harassment of another person that is capable of giving the harassed person grounds to fear for his/her life or health or the life or health of a close person or that significantly impairs the quality of his/her life.

113. In connection with the transposition of the Directive 2011/36/EU, with effect from 01/08/2013 a reference to “abduction”, “begging” as a special form of forced service and “the exploitation of criminal activities” was incorporated into the definition of the offence of trafficking in human beings in section 179(1) and (2) of the Criminal Code. At the same time a **reference to “forced marriage”** was added as a special form of trafficking in human beings, based on prior experience.

114. Another important step in our view is the most recent amendment of Act No. 215/2006 on **compensation of the victims of violent crime**<sup>24</sup> **which entered into effect** on 01/07/2013 and under which the victims of offences of rape, sexual assault and sexual abuse are **entitled to compensation for non-material harm**. The amendment expressly states that victims of rape, sexual assault and sexual abuse are entitled to compensation for physical injuries resulting from the offence and also to compensation for resulting non-material harm (mental trauma, stress, anxiety, frustration).

115. An important measure for combating violence against women was the amendment of the Act on the **Police Force**<sup>25</sup> that entered into effect on 15/12/2008. The amendment increased the powers of the police force to exclude a violent person from a shared dwelling. Pursuant to the provisions of section 27a of Act No. 171/1993 Coll. on the Police Force, as amended, a police officer is authorised to exclude a person from a house, flat or other shared dwelling with a person at risk and from its immediate vicinity if evidence has been found to indicate a reasonable expectation that the banned person will make an attack on the life, health or freedom or an especially severe attack on the human dignity of the person at risk, especially if such attacks have occurred previously. Exclusion from a shared dwelling includes a prohibition for the banned person to enter the shared dwelling for 48 hours from exclusion. A police officer is entitled to exclude such persons from a shared dwelling in their absence. If a request from an injunction is filed with a court during exclusion from a shared dwelling the duration of exclusion from a shared dwelling shall be extended until the entry into force of the court’s decision on the request.

116. The **Code of Civil Procedure**<sup>26</sup> was amended with effect from 01/01/2010 in response to an evaluation of the use of the provision in question in police work. The

<sup>23</sup> Act No. 262/2011 Coll. amending Act No. 301/2005 Coll. the Criminal Code, as amended, and amending certain acts.

<sup>24</sup> Act No. 146/2013. Coll. amending Act No. 215/2006 Coll. on compensation of the victims of violent crime, as amended by Act No. 79/2008 Coll. and amending certain acts.

<sup>25</sup> Act No. 491/2008 Coll. amending Act No. 171/1993 Coll. on the Police Force, as amended, and amending certain acts.

<sup>26</sup> Act No. 495/2009 Coll. amending Act No. 99/1963 Coll. the Code of Civil Procedure as amended, and amending certain acts.

amendment adjusted the duration of exclusion from a shared dwelling so that the 48-hour exclusion period does not count down during Saturdays, Sundays and public holidays. It counts down again from the next working day.

117. An amendment of the Act on **social services**<sup>27</sup> effective from 01 January 2014 introduced the term “gender-based violence” as a situation of social crisis in which the life or health of a natural person and his/her family is at risk and which requires immediate action by social services. The amendment makes it possible to provide social services in emergency accommodation facilities and to be provided only for a certain selected target group (for example for clients at risk from domestic violence or gender-based violence, or for victims of violent crime). It is permissible to conceal clients’ location and provide them with anonymity in order protect their life and health. The law now permits the provision of specialised social advice and the provision of services in emergency accommodation facilities for specific target groups including women at risk of violence.

118. The Ministry of Health of the Slovak Republic has issued a number of specialised documents in the area under review including **Specialised procedural guidelines for healthcare professionals providing healthcare for a woman threatened with violence**,<sup>28</sup> which were published in 2008. In 2010 the Ministry of Health prepared Specialised guidelines on the procedure for healthcare providers to report suspected cases of the sexual abuse of persons up to 18 years of age, which were published in the Journal of the Ministry of Health of the Slovak Republic, part 4-6, volume 58. In 2010 the ministry issued Specialised guidelines on the prevention of violence between patients hospitalised in healthcare facilities providing psychiatric care, which were published in the Journal of the Ministry of Health of the Slovak Republic, part 12-18, volume. In 2012 the Ministry issued Specialised guidelines on the symptoms and diagnosis of neglect, maltreatment or abuse of minors and the procedure for healthcare providers to report suspicions of neglect, maltreatment or abuse of minors, which were published in the Journal of the Ministry of Health of the Slovak Republic, part 39-60, volume 60.

119. In 2013, a new law was drawn up, Act No. 153/2013 Coll. on the **National Health Information System**, annex 2 point 12 of which set out the procedure for processing the personal data of relevant persons for the “National register of persons suspected to be at risk of neglect, maltreatment or abuse and persons against whom violence has been committed.”

120. The Office of the Government Plenipotentiary for Roma Communities (OGPRC) was strongly involved in work on **protection of the rights of women against sexual exploitation, focussing in particular on Roma women**, carried out in the relevant commissions, sub-commissions and expert groups (e.g. for the fight against trafficking in human beings within the multidisciplinary working group for the prevention of trafficking in human beings) as well as the advisory bodies of the government of the Slovak Republic. Documents that it cooperated on included relevant crime prevention strategies, the conception for combating extremism, the action plan for preventing all forms of discrimination, racism, xenophobia, anti-Semitism and other expression of intolerance, etc. The OGPRC also cooperated in the preparation of a **methodological aid for identifying victims of trafficking in**

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<sup>27</sup> Act No. 448/2008 Coll. on social services and amending Act No. 455/1991 Coll. on trade licensing (the Trades Licensing Act) as amended, as amended.

<sup>28</sup> Published in the Journal of the Ministry of Health of the Slovak Republic, part 54-55, volume 56.

**Roma communities.** The aim of this guide is to strengthen preventative and awareness-raising activities for this vulnerable group carried out by workers in the helping professions (for example, field social workers and community workers) who work in the natural environment of Roma communities with the aim of better identification of victims of trafficking in marginalised Roma communities.

121. The Office of the Government Plenipotentiary for Roma Communities carried out the following activities, mainly in relation to field social work:

- explaining the term trafficking in human beings;
- preventative work with young women and girls studying at secondary schools to protect them against abuse;
- informing young women and girls about the risks and consequences of trafficking in human beings, on aspects of migration for legal and illegal work;
- identification of child traffickers who frequently take advantage of parents' poverty (parents may sell a child to traffickers to pay debts or obtain income, or become victims of frauds relating to children's prospects for education and a better life);
- warning of methods of exploitation, recruitment methods, countries of origin, transit countries and destination countries.

#### Institutional development

122. An **Expert group on the prevention and elimination of violence against women and in families** was established as long ago as 1999 pursuant to a government resolution on crime prevention. The expert group drew on model strategies and practical measures for the elimination of violence against women developed by the UN. An expert group for the problem of violence against women operates within the **Government Council for Crime Prevention**. The expert group is a specialist body of the Government Council for Crime Prevention. As an interdepartmental body it cooperates with ministries and other central state administration bodies, social partners, municipalities, higher-tier territorial units, local state administration bodies, non-governmental, non-profit organisations, research institutions and academic institutions. In its activities the Expert Group focuses on tasks connected with promoting the prevention and elimination of violence against women and in families in accordance with the international commitments of the Slovak Republic and its commitments resulting from membership of the EU, the law and acts of general application.

123. Another contribution to the institutional framework for this field is the establishment of a separate **working group for the elimination of violence against women** within the Committee for Gender Equality of the Government Council for Human Rights, National Minorities and Gender Equality. In 2012 the committee discussed topics connected with improving assistance to the victims of domestic violence, sexual abuse and maltreatment.

124. According to data from the Central Register of Providers of Social Services as at 31/12/2013 there were a total of 68 providers of social services registered to provide emergency accommodation services for natural persons endangered by the behaviour of other natural persons or for the victims of such behaviour. **Monitoring**

**of social services**<sup>29</sup> carried out by the Institute for Labour and Family Research indicates that in all regions of the Slovak Republic women have access to 52 subjects providing services for this target group. There are 16 subjects within this group that have the strongest potential to meet the Minimum Standards of the Council of Europe (CoE MS) and be truly specialised services for women experiencing violence. Several of these subjects focus primarily on domestic violence or protecting children against violence.<sup>30</sup> There are a total of 238 places for women and their children in residential facilities for women at risk of violence fulfilling the CoE minimum standards on the level of 75%.

125. We are currently preparing **a framework for providing institutional support to victims of violence against women** and domestic violence. In order to strengthen institutional support **a national project will be carried out with funding from the European Social Fund** amounting in total to around EUR 3 million, whose aims are defined as improving the assistance provided to women and children experiencing violence and ensuring the accessibility of social support services in the regions. The main content of the project is support for shelters for women (women's safe houses) and related social services (advice centres) where these exist and the establishment and operation of new facilities throughout Slovakia in a way that ensures regional accessibility in every self-governing region. These establishments will provide a full range of services for women who experience domestic violence and their children. At present the availability of such services in Slovakia is limited; they are provided sporadically by NGOs in a few regions only, without networking or cooperation. The project will design and pilot an integrated crisis intervention system that will be a network of the following institutions:

- **a national 24/7 free telephone hotline** with a role to provide legal, psychological and other counselling to victims of domestic violence and if necessary to contact a counselling centre and ensure appropriate care for the woman;
- **a network of specific social services** — counselling centres providing all relevant counselling services for women and their children; during the first phase support will be provided to existing counselling centres. By the end there should be 20 new counselling centres covering the whole of Slovakia;
- **a network of women's safe houses**, which will provide comprehensive specialised assistance for women experiencing violence and their children in residential form until the solution of the woman's problems. At the end of the project 110 family places should be available for the whole of Slovakia (a family place is defined as place for a mother + 2 children).

126. In mid-2014 we expect to launch a project to establish a **Coordination Methodological Centre on Violence against Women and Domestic Violence** (hereinafter the "CMC") whose function will be to manage the prevention and elimination of both forms of violence. A team of experts will be formed within the CMC with responsibility for coordinating and supervising systematic prevention and

<sup>29</sup> Mgr. Barbora Holubová, Mgr. Jarmila Filadelfiová, PhD: Monitoring of social services for women experiencing violence and their children from the perspective of European standards. Institute for Labour and Family Research, Bratislava, 2013.

<sup>30</sup> In most cases they are subjects accredited under the Act on social and legal protection of children and social guardianship.



interventions for victim support and the provision of services in the area of violence against women and domestic violence. The objective of the CMC will be to ensure professional coordination of individual activities through a uniform code of practice for the provision of services related to the prevention and elimination of violence against women and children, to create conditions for multi-institutional cooperation of the helping professions and to establish a training system, and also to carry out research, monitoring and activities promoting awareness.

127. Complementary financing for establishing and extending the support system, providing additional financing for activities and covering other costs such as research, education, campaigns and other soft activities will be provided through the **Norway Grants**, which in combination with the project with ESF support will establish a foundation for effective support for women and other victims of domestic violence. **The total value of the allocation from the Norway Grants is approximately EUR 8 million. The total amount allocated on the national level for the elimination of violence against women over the next three years is approximately EUR 12 million.**

128. Besides this allocation, an important financial mechanism is **support for social services through self-governing regions**, which support accredited organisations providing special advice services for the victims of domestic violence, mainly women, pursuant to Act No. 448/2008 Coll. on social services. The support provided to such organisations depends on the possibilities available to the self-governing region and it is estimated that the total volume of such support in Slovakia is in the range of 300,000 to 500,000 euros per year. Support for emergency accommodation facilities and women's shelters is substantially higher, approximately on the level of half a million euros per self-governing region, i.e. EUR 4 million per year. However, most of these establishments provide accommodation for a range of target groups and it is not possible to calculate the specific amount of spending in relation to victims of domestic violence.

129. The Ministry of Interior of the Slovak Republic provides assistance and protection to victims of trafficking in human beings through the **Programme for the Support and Protection of the Victims of Trafficking in Human Beings**.<sup>31</sup> A full range of care is provided for victims of trafficking in human beings in accordance with the principle of equality and non-discrimination and according to the individual needs of the victims, whether they are citizens of the Slovak Republic, foreigners or stateless persons. Non-governmental organisations are involved in the provision of comprehensive care under the programme based on contracts concluded with the Ministry of Interior on the provision of funds from the state budget of the Slovak Republic.

130. In accordance with the National Programme on the Fight against Trafficking in Human Beings, the Ministry of Interior issued an internal regulation on 04/09/2008 establishing multidisciplinary working groups for the fight against trafficking in

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<sup>31</sup> The scope and quality of the services provided to the victims of trafficking in human beings are defined by Regulation of the Ministry of Interior No. 180 of 19/12/2013 on arrangements for the programme for the support and protection of the victims of trafficking in human beings. This regulation came into effect on 01/01/2014 and replaced the previous regulation of the Ministry of Interior No. 47/2008 on arrangements for the programme for the support and protection of the victims of trafficking in human beings as amended by regulation of the Ministry of Interior No. 170/2010.

human beings in order to respond promptly to needs and challenges arising in this area. The working groups are oriented towards the prevention of trafficking in human beings and the provision of comprehensive care for the victims of trafficking in human beings. The internal regulations are regularly updated in response to needs identified in practice and organisational changes.

131. Within the Ministry of Interior the problem of trafficking in human beings is supervised by the **Information Centre for the Fight against Trafficking in Human Beings and Crime Prevention**. The Information Centre for the Fight against Trafficking in Human Beings and Crime Prevention is an establishment of the Ministry of Interior without legal capacity established by Act No. 583/2008 Coll. on the prevention of crime and other anti-social activity. One of its duties is to collect and process data to produce statistics and analyses on the issue of trafficking in human beings and it manages an information system on trafficking in human beings.

Education and sensitisation of professionals and public opinion

132. Act No. 548/2003 Coll. on the Judicial Academy, as amended, established the **Judicial Academy** as a budgeted organisation of the Ministry of Justice of the Slovak Republic. It commenced its activities on 01 September 2004 and its role is to provide for, organise and deliver education for judges, prosecutors and other court officers and also trainee judges and prosecutors. In the period 2006-2013 the Judicial Academy carried out vocational training events (seminars, lectures etc.) on the protection of human rights including the rights of women, racially-motivated crime and the problem of discrimination in the broader context in lectures on psychology.

133. The **Prison and Court Guard Corps** (hereinafter the “Corps”) has provided systematic education for members of the Corps on human rights with regard for the prevention of all forms of discrimination, racism, xenophobia and other expressions of intolerance through the vocational training provided for officers of the Corps in the Corps’ education institute. The Conception of education for officers of the Corps and employees of the Corps 2004-2015 incorporates the above issue in the subject Foundations of the Law. Basic vocational education dedicates 5 hours to the subject, of which 3 hours are dedicated to the issues connected with the Roma national minority. Specialised vocational education adds a further 2 hours on this topic in the subject Prison Systems and Prison Organisation.

134. Within the **General Headquarters of the Corps** the issue of preventing all forms of discrimination, racism, xenophobia and other expressions of intolerance is primarily addressed by the remand and imprisonment department, which in the past organised a “weekend training programme for Corps officers” in cooperation with civil associations and foundations part of which was dedicated to the prevention of all forms of discrimination, racism, xenophobia and other expressions of intolerance within the prison system, and the department plans to organise similar activities and is preparing training courses for human rights trainers.

135. In the **Presidium of the Police Force**, the office of the criminal police has in recent years participated in multiple vocational training activities for police officers focussing on the problem of violence against women. The Presidium of the Police Force has established cooperation with the civil association Pomoc ohrozeným deťom — Centrum Nádej (Assistance to children in need — Hope Centre) in a

project for the elimination of domestic violence involving implementation of the “SARA DV” method as an auxiliary diagnostic method for duty police officers in basic units of the Police Force to predict the likelihood of domestic violence. Training in this method was attended by police officers from each of the regional headquarters of the Police Force, teaching staff from the Academy of the Police Force and police secondary schools and officers from the Presidium of the Police Force. To the end of 2012 a total of 1,608 police officers received training. Cooperation on the above project was supervised by uniform police department of the Presidium of the Police Force.

136. A series of vocational training courses on the investigation of domestic violence cases was provided for police investigators in cooperation with the Academy of the Police Force under the supervision of the Academy of the Police Force and the office of the criminal police of the Presidium of the Police Force.

137. A campaign entitled *Fenestra 16 Days of Activism against Violence against Women* was carried out with support from the grant scheme in 2011. The Fenestra campaign included a competition “Violence against women is not IN — LET’S ACT!” in which the public could win prizes. Competition entries could be photographs, posters or short videos. Other campaign activities included: a regional conference *Bridges of help — from good intention to good cooperation*; a theatre happening *Thing: path number 5*, demonstrating the rejection of violence against women and the public event *Whistle the violence!* which was based on a method of whistling to prevent violence by partners used by women in Peru in the 1970s.

138. Other civil associations also carried out activities related to violence against women, for example the *Alliance of Women in Slovakia*. In the pilot stage of a project supported by Avon, seminars were organised for 30 secondary schools in the Bratislava self-governing region together with long-term training for social workers in offices of labour, social affairs and family in the Bratislava and Trnava regions and for the Legal Aid Centre on the national level. In 2011 the Alliance of Women continued to provide a two-semester course *Domestic Violence* at the Trnava University Law Clinic.

139. The Cultural Association of Roma in Slovakia in cooperation with the Office of the Government Plenipotentiary for Roma Communities implemented the preventative project “Prevention of trafficking in human beings in Roma communities”. The basic objective of the above project was to improve the responsiveness and effectiveness of preventative and awareness-raising measures and social interventions on the local level connected with trafficking in human beings in socially excluded Roma communities in the Banská Bystrica region. The specific objectives of the project were to raise professional standards by increasing the knowledge community and civil society activities, community social workers and workers in the area of trafficking in human beings, to raise awareness of the issue concerned in target groups with an emphasis on Roma women and girls from identified locations, to increase the effectiveness of inter-sectoral cooperation between subjects, organisations and individuals with an interest in the issue.

## Analysis of the existing situation and development trends

140. The results of the survey by the **EU Agency for Fundamental Rights on violence against women**<sup>32</sup> showed that the Slovak Republic is close to the EU average for the prevalence of violence against women. The percentage of respondents from Slovakia who stated that they had experienced physical or sexual violence as an adult from a partner was 23% (EU average 22%) and in the case of violence from any man it was 34% (EU average 33%). Violence within the last year from a partner was reported by 6% of women and from any man by 10% of women. A disturbing result, in our view, is the finding on assistance for victims that only 8% of women had contacted the police and that only a little over a quarter (27%) of women know at least one institution that provides assistance for women at risk of violence. 40% of Slovak women had experienced sexual harassment during adulthood, 22% a more serious, i.e. non-verbal form, of harassment.

141. Similar findings for violence against women in the Slovak Republic during adulthood were reported for research carried out in 2008.<sup>33</sup> **21.2% of women had experience of violence from a current partner and 27.9% had experienced violence from a previous partner.** The percentage of women who had experienced violence from a current or former partner in their lifetime was 39.2%.

142. The annual scope of violence against women is recorded in data from the Survey of Victims of Crime in Slovakia.<sup>34</sup> Women are exposed to abuse 2-3 times as frequently as men. Since 2007 there has been a rising trend in the prevalence of abuse amongst both women and men. In 2010 it affected 8.6% of women and 5.2% of men (the period surveyed was from 01/07/2009 to 30/06/2010). In 2011 the annual prevalence of abuse was 6.8 % amongst women and 1.7 % amongst men (the period surveyed was from 09/2010 to 08/2011).

143. Women are most often abused by their partners. Abuse of women by a partner (former or current) made up 57% of cases in 2010 and 61.7% of cases in 2011. Amongst men abuse by a current or former partner made up 12% of cases in 2010 and 37.5% in 2011. The second most frequent abusers of women and men are parents (natural and step-parents), more so in the case of men than women.

144. **Just under a fifth of male and female abuse victims contacted the police — 19%.** The most frequent reasons for contacting the police were the need for help (70.8%) and an attempt to prevent repetition (50%). A third of victims contacted the police because they wanted the perpetrator to be punished.

145. The last four waves of the Survey of Victims of Crime in Slovakia have found that annual prevalence of sexual violence, i.e. rape and sexual abuse is in the range of 1-2% of the population aged 15 years and over, almost exclusively women. **This means that approximately every 50th woman in the population aged 15 years and over has been raped or sexually assaulted in the last twelve months.** Other measurements carried out during the period under review, from September 2010 to the end of August 2011, also found that 2.14% of the female population aged 15 years or

<sup>32</sup> European Union Agency for Fundamental Rights: Survey data explorer — Violence against women survey, <http://fra.europa.eu/DVS/DVT/vaw.php>.

<sup>33</sup> Filadelfiová, Bodnárová, Holubová, 2008: Representative sample survey of prevalence and women's experience of violence against women in Slovakia, ILFR/UNIFEM.

<sup>34</sup> Survey of Victims of Crime in Slovakia, Pan-European University, carried out on a representative sample of approximately 2,000 respondents aged 15 years and over.

over had been the victim of at least one act of sexual violence or rape. In the majority of cases, the perpetrator of sexual violence was a person that the victim knew. The victim did not know the perpetrator in just under 35% of cases. In cases where the victim knew the perpetrator, the perpetrator was relatively often a colleague (17.4%) or a friend (13%).

146. **In total 74% of victims of sexual violence did not contact the police in 2011** whereas the percentage was 67% in 2010. The most frequent reason for not reporting a sexual attack to the police was “fear of revenge by the perpetrator” (39.1%), “the police would not do anything” (30.4%) and “fear of inconsiderate questioning” (26.1%). Reasons for reporting sexual violence were punishment of the perpetrator (21.7%), attempting to prevent repetition (17.4%) and the need for help (8.7%).<sup>35</sup>

147. The annual prevalence of abuse in families has fallen slightly after a five-year peak in 2010. Even so, **in 2012 the police reported 11 murders of women and 8 murders of men that were motivated by personal relations.**<sup>36</sup> Long-term violence, particularly between partners, therefore requires a more effective and efficient solution.

148. Compared to real prevalence, **the number of persons excluded from a shared dwelling pursuant to section 27 of the Act on the Police Force is very low.** The annual number ranges from 230 to 280 exclusions. In 98% of cases the person excluded is male and in 76% of cases it is the intimate partner of the injured woman. The effectiveness of the current exclusion regime (a 48-hour period) as an instrument allowing women to stabilise their situation and take further measures to resolve a case of violence is questionable in view of the low number of requests for temporary injunctions and the even lower number of injunctions that courts issue.

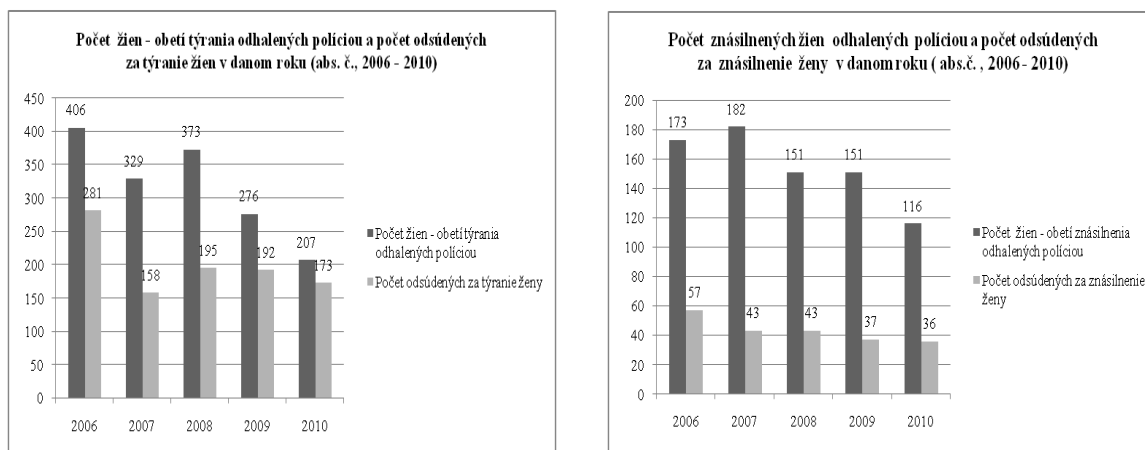
149. The effectiveness of the criminal law in protecting women against violence can be seen in the conviction rate, i.e. the number of persons convicted of crimes of violence against women. The conviction rate is calculated as the ratio of the number of persons convicted of crimes of violence against women to the number of women — victims of such crimes detected by the police. The conviction rate for the crime of abuse of a close person or a person in care (under section 208 of the Criminal Code) was on average 65% in the period 2006-2010 (ranging from 48% in 2007 to 84% in 2010). For rape (section 199 of the Criminal Code) the average conviction rate is only 28% (ranging from 24% in 2007 to 33% in 2006). The difference between the number of victims and convictions is in fact the result of the gradual dropping of cases during criminal proceedings. While cases are being prepared in the prosecutors' office there is a 50% reduction in persons accused of the given crimes for all cases detected by the police.

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<sup>35</sup> Survey of Victims of Crime in Slovakia, 2011, information from a specialised seminar on the interim results of research in November 2011.

<sup>36</sup> The sex of the perpetrator is not known.

Graph 1  
**Number of women — victims of abuse and number of convictions and number of women victims of rape and number of convictions (2009-2010)**



**Source:** 2 Statistical Office of the Slovak Republic based on data from the Ministry of Interior and the Ministry of Justice.

Left title: Number of women victims of mistreatment detected by police and number of convictions for mistreatment of women in the given year (absolute no., 2006-2010)

Left data label top: Number of women victims of mistreatment detected by the police

Left data label bottom: Number convictions for mistreatment of a woman

Right title: Number of women victims of rape detected by police and number of convictions for rape in the given year (absolute no., 2006-2010)

Right data label top: Number of women victims of rape detected by the police

Right data label bottom: Number convictions for rape of a woman

150. The police information system department of the Presidium of the Police Force manages the Police Force's crime statistics information system (*Evidenčno-štatistický systém kriminality — Statistical evidence-based system for monitoring of criminality*), which collects and records data on crimes and the perpetrators and victims of crimes. Information is processed in the system to produce, amongst other things, standard and non-standard reports on crimes connected with violence against women, men and children, which are used in crime prevention and for the analytical and management activity of the Police Force. Reports from the crime statistics information system are provided to the Statistical Office of the Slovak Republic, other state administration bodies and to other countries, via the international police cooperation office of the Presidium of the Police Force.

Table 2  
**Overview of victims of selected crimes of violence and vice in the period by year (2008-2013)**

	2008	2009	2010	2011	2012	2013
violent crime						
murder	94	78	82	88	63	78
of whom, women	24	32	31	31	18	23
robbery from persons	1217	1078	908	671	764	637
of whom, women	353	366	307	260	253	203
abuse of a close person or person in care	497	371	279	343	284	268
of whom, women	377	277	207	246	209	184
vice						
rape (only female victims)	152	142	117	150	88	91
of whom, women	152	142	117	150	88	91
sexual abuse	387	396	369	542	497	482
of whom, women	333	225	309	437	412	414
trafficking of human beings	11	9	9	19	23	11
of whom, women	9	7	4	8	13	5

*Source: 3 Police information system department of the Presidium of the Police Force.*

### **Marginalised Roma communities**

151. **Violence against Roma women**, especially those from a non-integrated environment, deserve special attention. Although no universal or ethnographic research into violence against Roma women has carried out, multiple partial findings indicate large-scale gender-based violence against Roma women. It is estimated that if every fifth woman in the overall population is exposed to violence from a partner, the rate of exposure in the Roma population in non-integrated environments is every third or second woman. **The poverty of the women in these communities makes them extremely dependent on a male partner and the community.** It is often expected that women will not work. For this reason girls often fail to complete even elementary school (lower secondary education). Cases involving the sale of women or forced marriage have been observed. This type of violence has a communal character and takes many forms (beating, abuse, prostitution, trafficking in women). The community will only intervene against the violence of a partner if a woman is seriously injured. Even then it is expected that the woman will remain in the violent relationship. If a Roma woman is raped she often obliged to stay with her attacker. It is a greater shame not to be a virgin and not to be married than to live with a rapist.<sup>37</sup>

<sup>37</sup> Information obtained through group discussions carried out with social workers and workers in community centres in segregated communities (Rozhanovce, Petrovany, Stará Ľubovňa, etc.) during an education project implemented by the NGO Možnosť voľby (Pro choice) with support from the Open Society Foundation. The information was extracted from a seminar on the results of the project on 30 June 2011.

152. On the other hand, 70% of respondents from the Roma population in non-integrated environments said that they would not accept violent behaviour — a man beating a woman, 24% considered such violence justifiable and only 4% considered it quite normal. Roma men were more likely to consider the beating of a woman to be a normal thing and were more likely to consider it justifiable than Roma women (in total approximately 10% greater tolerance). At the same time, prescriptive notions about women and men and the strict division of labour between male and female in non-integrated Roma communities are more pronounced than in the majority population, which may contribute to the incidence and persistence of violence against Roma women.<sup>38</sup>

153. In this context special attention should be given to **traffic in women** for the purposes of forced prostitution and sexual exploitation. The profile of such women is as follows: mainly young women aged 15-25 years, mainly of Roma origin with incomplete elementary education, with low levels of information, coming from socially disadvantaged backgrounds and motivated mainly by a vision of easy earnings. Cases of internal trafficking, i.e. cases where the woman comes from and is trafficked within Slovakia, were twice as common as cases involving the trafficking of Slovak women abroad in the period 2004-2007.<sup>39</sup>

154. In the period 2008-2011 the police recorded in total 36 women and 10 men as victims of **trafficking in human beings** (pursuant to section 179 of the Criminal Code). In the period 2008-2010, a total of 68 persons received assistance under the programme for the support and protection of the victims of trafficking in human beings; of these, 42 were women and in more than 60% of cases the reason for trafficking was sexual exploitation and forced prostitution. Other cases related to forced labour or forced begging.<sup>40</sup>

155. In 2013 **care for victims of trafficking in human beings** was provided by two NGOs and one international organisation. Thirty persons entered the programme for the support and protection of the victims of trafficking in human beings in 2013 and were granted comprehensive assistance. As at 31/12/2013 a total of 36 victims of trafficking were receiving support and protection under the programme. Out of the total number of persons who entered the programme in 2013, there were 21 female victims and 9 male victims.

## **Article 7**

### **Political and Public Life**

156. The representation of women in decision-making positions in Slovakia varies from low to predominant representation (in the judiciary). The most critical situation is the long-term marginalisation of women in top positions in Slovak politics. To achieve the one third representation considered the critical minimum for the real ability to influence decisions it would still be necessary to double the current number of women in parliament.

<sup>38</sup> Cultural Association of Roma in Slovakia: *Dáta o ľudských práva rómskych žien* (Data on the human rights of Roma women), Banská Bystrica 2009. The survey was carried out on a sample of 618 respondents aged 15 and over from segregated and separated settlements or parts of a village or town in the Košice, Prešov and Banská Bystrica regions (in total 98 locations).

<sup>39</sup> Fialová, et al. (2008), *Obchodovanie s ľuďmi v Slovenskej republike* (Trafficking in Human Beings in the Slovak Republic), UNODC, Bratislava.

<sup>40</sup> National Programme on the Fight against Trafficking in Human Beings 2012-2014.



157. Women have **minority representation in the majority of the supreme bodies and central bodies of the state administration** compared to men. They are most strongly represented in the Constitutional Court of the Slovak Republic, where the post of President of the Constitutional Court is also held by a woman. The proportion of women must be seen in the overall context where there are a low number of persons in senior positions and the presence of one or two women increases the percentage representation of women.

Table 3  
**Representation of Women in Politics and Public Life**

<i>Indicator</i>	<i>Women</i>	<i>Men</i>	<i>Absolute gender gap<sup>41</sup></i>
Political participation on the European level (in %, European Parliament, 2013)	38.5	61.5	23.0
Political participation on the national level (in %, national parliaments, 2013)	16.0	84.0	68.0
Political participation in national governments (in %, 2013)	7.7	92.3	84.6
Political participation in the leadership of regional assemblies (in %, 2013)	0	100	100
Political participation on the regional level (in %, national assemblies, 2013)	15.4	84.6	69.2
Gender balance in the supreme court (in %, Q3 2012)	53	47	6

*Source: 4 Sources: Eurostat; Statistical Office of the Slovak Republic; European Commission database on women and men in decision-making.*

158. Women's representation in politics in the Slovak Republic has long been low compared to other areas: for a long time the average percentage of women in the National Council of the Slovak Republic has been in the range 15-20%. To achieve the one third representation considered the critical lower bound for the real ability to influence decisions it would still be necessary to double the current number of women in parliament. Legislative provisions requiring that a proportion of places on candidate lists be given to women (quotas) have very little acceptance and support, especially amongst the political parties that would have to adopt and approve such rules. In the period 2010-2012 for the first time in the history of the Slovak Republic, the constitutional function of head of government of the Slovak Republic was held by a woman (i.e. the constitutional function of the head of the supreme body of the executive branch).

159. A positive example of women's representation in politics is the **Slovak delegation to the European parliament**, where there are 5 women out of a total of 13 MEPs, which makes 38% of the delegation.

<sup>41</sup> The absolute gender gap is given in percentage points, unless specified otherwise.

Table 4  
**Women's representation in elected representatives to the National Act No. 171/1993  
 Council of the Slovak Republic and in the Government of the Slovak Republic**

Election to the NCSR	Women elected to parliament (number, out of 150 representatives)		Percentage of women in government		
	Number of women	Percentage of women	Number of members	Number of women	Percentage of women
1994	22	14.7	19	3/4	15.8/21
1998	19	12.7	22	3/2	13.6/9
2002	29	19.3	16	0/2	0/12.5
2006	24	16	16	1/2	6.3/12.5
2010	23	15.3	15	2 (prime minister)	13.3
2012	24	16	15	1	6.7

*Source: 5 SO SR, History of governments of the Slovak Republic, <http://www-8.vlada.gov.sk/index.php?ID=1073>.*

160. So far no woman has **led a self-governing region** as the president of a higher-tier territorial unit. Women have long had very low representation in **elected local government bodies (municipalities, self-governing regions)** and this is changing only very slowly. In all elections the percentage of women elected was 4-5% less than their representation on candidate lists.

161. **The representation of women in the judiciary has unusual characteristics.** Female judges make up 63% of all judges. The situation as at 31 December 2013 was that out of a total of 1,385 judges 511 were men (i.e. 36.9%) and 874 were women (63.1%). This means there were 1.7 times more women in justice (as judges) than men. According to the situation as at 24 February 2014, **out of a total of 8 presidents of regional courts** in the Slovak Republic, **4 presidents were women** (at the regional courts in Trenčín, Nitra, Žilina and Prešov) and **out of a total of 54 presidents of district courts** in Slovakia **25 presidents were women**. Women hold top posts in a number of important judicial institutions: the president of the **Constitutional Court**, the vice-president of the **Specialised Criminal Court** and the director of the **Legal Aid Centre** are women.

162. The representation of women in **economic decision-making positions** in the Slovak Republic has long been amongst the highest in the EU. According to an analysis by the MLSAF of women's representation in decision-making positions in companies quoted on the Slovak Stock Exchange (a total of 86 companies), women made up 28.62% of the total number of members of supervisory boards. Women chaired the supervisory board in 23.08% of known cases (not all firms specify this position); 9 out of 39 known chairpersons are women. Women are poorly represented in executive positions making up only 16.84% of members of the boards of directors in the studied firms, and only holding the highest position in 3.49% of firms. The following table shows the general representation of women in leadership and management positions in the Slovak Republic.

Table 5  
**Working men and women in leadership and management functions (based on a selective labour force sample survey using KZAM and from 2011 ISCO-08 classification of occupations)**

		2005	2006	2007	2008	2009	2010	2011
Legislators and managers	men	95.7	95.0	88.7	94.2	92.9	91	83.6
thousand persons	Women	42.5	36.8	39.7	39.8	44.2	48.1	37.3
Women as percentage of total	%	30.8	27.9	30.9	29.7	32.2	34.6	30.9

*Source: 6 Statistical Office of the Slovak Republic, LFSS method.*

### Article 8 Women in diplomacy

163. The status of women in the Slovak Republic's diplomatic corps varies according to the type of service. While there is almost equal representation of women in senior posts in the Ministry of Foreign and European Affairs, women have only 12% of senior posts in diplomatic missions.

Table 6  
**Representation of women in the diplomatic corps**

Description	Senior posts	% representation of women
Senior posts at headquarters	93	
of whom, women	42	45.1%
Senior posts in diplomatic missions	94	
of whom, women	11	11.7%

*Source: 7 Situation as at 15/03/2014, Source MFEA.*

### Article 9 Nationality

164. There were no major changes during the period under review. The Slovak Republic has signed and ratified multiple international treaties on persons' nationality (citizenship). On 06 November 1997 the Slovak Republic as a member state of the Council of Europe signed and subsequently ratified, on 27 May 1998, the **European Convention on Nationality**, which was published in the *Zbierka zákonov* (the official journal for statutes) under number 418/2000 Coll. Pursuant to article 4 of the Convention states parties undertake that in the preparation and adoption of rules on nationality they will respect the general principles established in the Convention, i.e. that "everyone has the right to a nationality; no one shall be arbitrarily deprived of his or her nationality; neither marriage nor the dissolution of a marriage between a national of a State Party and an alien, nor the change of nationality by one of the spouses during marriage, shall automatically affect the nationality of the other spouse."

165. In addition to the above Convention, the Slovak Republic has signed and ratified the Convention relating to the Status of Stateless Persons and the schedule to the convention (Notice of the Ministry of Foreign Affairs No. 206/2001 Coll.) and

the Convention on the Reduction of Statelessness (No. 192/2001 Coll.), which contain a number of international commitments relating to persons' nationality and the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Notice of the Ministry of Foreign Affairs No. 380/2001 Coll.). Respect for article 9 of the Convention is guaranteed in the law of the Slovak Republic by Act of the National Council of the Slovak Republic No. 40/1993 Coll. on nationality of the Slovak Republic, as amended; it guarantees equal rights to men and women and the Ministry of Interior is responsible for its specialised supervision and implementation.

### **PART III**

#### **Article 10**

##### **Education**

166. With respect to the principles of legislation, the prohibition of gender discrimination is guaranteed in the education system in the Slovak Republic. Detailed information was provided in the previous report. The **Anti-discrimination Act** establishes the prohibition of direct and indirect discrimination in education and makes reference to specific acts.<sup>42</sup>

167. The area under review is dealt with in laws on regional education (i.e. schools and school establishments other than higher education institutions) which are supervised by the Ministry of Education, Science, Research and Sport of the Slovak Republic (MSERS), in particular in sections 3 and 4 of the **Schools Act**,<sup>43</sup> which set out the fundamental principles and aims of upbringing and education. These include the **principles of the equality of men and women and education leading to respect for human rights**. The day-to-day implementation of these principles and aims in processes for the education of children and pupils is established in school education programmes, which must be prepared in accordance with set principles.

168. The aim of education on human rights and gender equality in schools is the acquisition of knowledge, skills and attitudes that contribute to the strengthening of human dignity, awareness and independent participation in the development of a democratic society in accordance with values such as human rights, equality, diversity and justice. A framework is established through ministerial regulations such as: The **Plan for Human Rights Education 2005-2014** and the Pedagogical Organisational Instructions for each school year.

169. In January 2012 the government of the Slovak Republic approved the **National Strategy on Global Education 2012-2016**, whose objectives are based on principles of social justice and equality and respect for human rights and equal opportunities for all. Relevant state institutions and non-governmental organisations participate in the implementation of such education; methodological materials and

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<sup>42</sup> Act No. 131/2002 Coll. on higher education institutions and amending certain acts, as amended, Act No. 386/1997 Coll. on continuing education and amending Act of the National Council of the Slovak Republic No. 387/1996 Coll. on employment, as amended by Act No. 70/1997. Coll., as amended by Act No. 567/2001 Coll.

<sup>43</sup> Act No 245/2008 on upbringing and education (the Schools Act) and amending certain acts, as amended (section 3, section 145, section 7 and section 8 in relation to the State School Inspection).

recommendations will be prepared for schools implementing such education and training will be provided for teaching staff.

170. The formulation of section 55 of the **Higher Education Act**<sup>44</sup> has been amended. It prohibits all forms of discrimination within the higher education institutions. In accordance with the principle of equal treatment discrimination is prohibited on grounds of age, sex, sexual orientation, marital or family status, race, skin colour, disability, language, political or other views, membership of a national minority, religious belief or faith, trade union activity, national or social origin, property, gender or other status. The exercise and performance of rights and duties established by this act must be in accordance with accepted principles of morality

171. Under the Schools Act, **elementary and secondary schools** are required to incorporate state education programmes into their school education programmes and to incorporate gender equality and human rights topics into syllabuses.

172. The Ministry of Education, Science, Research and Sport works with IUVENTA — the Slovak Youth Institute to support the establishment and effective operation of student councils in schools and youth parliaments. Their purpose is to further disseminate know-how and information on human rights education, to create networks of actors in human rights education and youth work, to supervise ongoing local projects and promote the use of the “living library” method. In 2011 IUVENTA continued to distribute Slovak language version of COMPASS a manual for human rights education with young people published by the Council of Europe as part of its activities supporting young people’s education on human rights.

173. At present **sex education or the subject Marriage and Parenthood Education** (MPE) is not a separate subject in the Slovak school system. In elementary and secondary schools the topics within the framework of sex education are incorporated into the following subjects: biology, ethics, religious education, civics and the cross-cutting theme personality and social development and health. A syllabus for MPE was approved in 1998 and updated in 2010. After the reform of the education system which was launched approximately 10 years ago, the subject became one of the optional subjects that each school can decide whether or not to offer. Schools often meet with resistance from some parents, conservative NGOs and politicians who object in principle to comprehensive sex education of the sort that is found in other EU countries.

174. Ideological controversy around the topic of sex education and a lack of interest in the educational options available to teachers have caused sex education in Slovakia to lag behind the majority of EU countries and prevented it from meeting UN human rights standards. Education on responsible parenting and the ethics of intimate relationships is inadequate; children are experimenting with sex more often and earlier without regard for risks or the basic facts of how their bodies work. The preliminary analysis of the results of research into sexuality in Slovakia (Institute for Research in Social Communication of the Slovak Academy of Sciences, Bratislava) found that many teachers have observed that children need important and qualified information on human sexuality, partner relations and sexual and reproductive rights. At the same time they feel they lack the occupational and

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<sup>44</sup> Act No. 131/2002. Coll. on higher education institutions and amending certain acts, as amended.

psycho-didactic competences for its effective, systematic and sensitive implementation.<sup>45</sup>

175. The **Methodology and Pedagogy Centre**, the institution providing continuing education and training for teachers, offers teachers two education programmes on Marriage and Parenthood Education. These are **Marriage and parenthood education and the ethics of intimate relations**<sup>46</sup> and **Marriage and parenthood education in the work of a pedagogical employee**.<sup>47</sup> These education programmes for continuing education aim to extend the professional skills of teachers to enable them to implement marriage and parenthood education successfully in school conditions as an important aspect in the preparation of children and young people for their future life roles.

176. The government of the Slovak Republic has sought to improve the quality of sex education through support for a number of practical projects aimed in particular at disadvantaged population groups. The projects of the NGO the **Slovak Family Planning Association**<sup>48</sup> received support from the grant scheme of the Office of the Government in 2011 and 2012. The projects included the launch of the website [www.sexualnavychova.sk](http://www.sexualnavychova.sk), to provide information for young people and for their teachers and parents.

177. The science and technology section of the education ministry makes a major contribution to the production of European statistics on gender equality. Last year the booklet **She Figures 2012** was published as an official publication of the European Commission presenting statistical data and indicators on women in science in EU countries and outside it. *She Figures 2012* is the fourth publication (following *She Figures 2003*, *2006* and *2009*) of a key set of indicators that are important for a correct understanding of women's situation in science. It provides statistics on women in science from the tertiary level of higher education to the labour market. This series of publications is used in various comparative analyses and studies in the field of gender equality, in speeches, presentations and remarks at conferences and workshops throughout Europe and outside it and is also used by policymakers when preparing decisions in connection with gender equality on the national, regional and European levels.

#### Analysis of the existing situation and development trends

178. The school system in the Slovak Republic is divided into elementary schools, secondary schools (subdivided into academically-oriented "gymnázium" schools, secondary vocational schools and "conservatoire" music schools) and higher education institutions (universities). Special schools provide upbringing and education for pupils with special education needs who cannot be educated in other schools.

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<sup>45</sup> The Slovak text of this paragraph is quoted from the methodology for the educational programme Marriage and parenthood education and the ethics of intimate relations, Ing. Henrieta Crkonová, Methodology and Pedagogy Centre, Bratislava.

<sup>46</sup> Available from <http://www.mpc-edu.sk/library/files/vmraeiv.pdf>.

<sup>47</sup> Available from [http://www.mpc-edu.sk/library/files/vych\\_k\\_manz\\_a\\_rod\\_v\\_praci\\_ped\\_zam.pdf](http://www.mpc-edu.sk/library/files/vych_k_manz_a_rod_v_praci_ped_zam.pdf).

<sup>48</sup> The Slovak Family Planning Association is a member of the International Planned Parenthood Federation.

179. The majority of teachers are women, with the exception of teaching staff in higher education, where there are a quarter more men. 23.2% of professors and 39.2% of associate professors in higher education institutions are women.

180. There are differences **by school type**. The number of girls studying at academically-oriented “gymnázium” schools is two-fifths larger than the number of boys. The number of boys is larger (by 13.2%) in secondary vocational schools and special schools. At universities and other higher education institutions there are 1.5 times more female students than male. The proportion of women in specific subjects is much larger except in universities with a technical or military-security orientation. In absolute terms, women most often study social sciences and medical and pharmaceutical sciences. Men are most interested in the social sciences and technical sciences. There is an equal balance of the sexes in doctorate graduates.

181. In 2011 a total of 14.6% of men and 18.4% of women in the 15-64 age group **were studying in higher education**. As the proportion of the population studying in tertiary education continues to rise, the gender gap between studying women and men is also growing, from 1.9 percentage points in 2009 to 3.8 percentage points in 2011. For students in the older 30-34 age group the gap is even larger. It was 4.1 percentage points in 2009 and 7.8 percentage points in 2011. The same trend can be seen nearly everywhere in Europe and the number of female students, especially in older age groups, is even larger than in Slovakia.<sup>49</sup>

182. **Although women have made up a larger percentage of higher education graduates** in Slovakia than men for several years, it is important to look at the fields of study in which young women and men graduate. Amongst the most lucrative and easily applicable qualifications are those in technical and mathematical subjects. In 2011, approximately 37% of all male graduates in higher education (ISCED 5-6) had studied mathematical, science and technology subjects and this percentage is relatively stable. In the case of women, 11.6% of ISCED 5-6 graduates in all fields pursued such subjects and over the last ten years the share has varied in the range 16-11%.<sup>50</sup> The education system is at the same time an economic sector of the labour market marked on the one hand a clear predominance of female teachers and on the other by a hierarchical structure: as the level of education rises, the proportion of teachers who are women becomes smaller. In 2011 89% of teachers in elementary schools (ISCED 1) were female, 71% were female in secondary schools (ISCED 3) and in higher education (ISCED 5-6) the female percentage was only 44%.<sup>51</sup> The unadjusted gender pay gap in the education sector was nearly 16% in 2011.

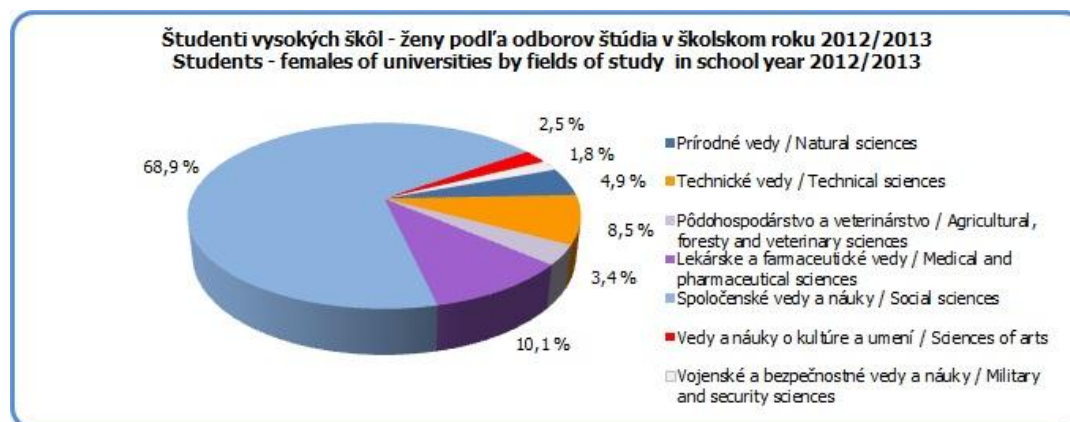
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<sup>49</sup> Source: Eurostat.

<sup>50</sup> Eurostat, <http://appsso.eurostat.ec.europa.eu/nui/setupModifyTableLayout.do>.

<sup>51</sup> Eurostat: [http://epp.eurostat.ec.europa.eu/cache/ITY\\_PUBLIC/3-07032013-AP/EN/3-07032013-AP-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-07032013-AP/EN/3-07032013-AP-EN.PDF).

Graph 2  
Share of women in the different fields of study of higher education



Source: 8 Ministry of Education, Science, Research and Sport of the Slovak Republic.

### Marginalised Roma communities

183. Men and women from marginalised Roma communities showed certain differences in terms of the level of education they achieved. Amongst Roma women it is much more usual to encounter persons who did not continue their studies at secondary school i.e. they have only incomplete elementary or elementary education. Differences then appear in representation in higher levels education: the gap in the percentage of persons who have completed secondary education is more than eight percentage points to the detriment of women. The findings on the living conditions of Roma households in 2010 seem to repeat those of the report mapping the situation in 2005, hence the education structure of Roma women can be evaluated as lagging slightly behind that of the men.<sup>52</sup>

184. The collected data suggests that in the studied environment, it is still relatively common for parents to interfere in the lives of young people, either in the selection of what to study or in choosing a life partner and career. Such interference is stronger in the case of women, who are often forced to abandon a career in favour of duties within the parental family. The right of children to education without restriction by parents or the financial situation of the family and the right to participate in decisions on matters that affect the child,<sup>53</sup> or when over 18 years old to make free decisions, are probably not being fully respected in some cases.

<sup>52</sup> UNDP 2012: Report on the living conditions of Roma households in Slovakia 2010 Bratislava.

<sup>53</sup> See the provisions on education and participation in UN Convention on the Rights of the Child, whose 20th anniversary was celebrated in November 2009 (UN, 1989).



## Article 11 Employment

### Legislation and political measures

185. The amendment of the **Labour Code** in 2011<sup>54</sup> introduced a fundamental change in the prohibition of discrimination in labour law. Article 1 of the Fundamental Principles of the Labour Code states that “*Natural persons shall have the right to work and to the free choice of employment, to fair and satisfying working conditions and to the protection against arbitrary dismissal from employment in accordance with the principle of equal treatment, stipulated for the area of labour-law relations under a special act on equal treatment in certain areas and on the protection against discrimination and on amending of certain acts (the Anti-discrimination Act). These rights belong to them without any restriction and discrimination on the grounds of sex, marital status and family status, sexual orientation, race, colour of skin, language, age, unfavourable health state or health disability, genetic traits, belief and religion, political or other conviction, trade union activity, national or social origin, national or ethnic group affiliation, property, lineage, or other status, with the exception of a case where different treatment is justified by the nature of the activities to be performed in employment, or by the circumstances under which these activities are to be performed, if this reason consists in the actual and decisive requirement for the job, provided the objective is legitimate and the requirement adequate.*” Section 13(4) of the Labour Code, which concerns respect for the principle of equal treatment was amended with effect from 01 September 2011 to permit an employee to file a complaint with the his/her employer not only about a breach of the principle of equal treatment but also about matters falling under section 13(3) such as bullying in the workplace.

186. Pursuant to Article 6 of the Labour Code, **women and men shall have the right to equal treatment** with regard to access to employment, remuneration and promotion, vocational training and working conditions. Pregnant women, mothers who have given birth within the last nine months and breast-feeding women must be given working conditions that protect their biological condition in connection with pregnancy, the birth of a child, care for a child after birth and their personal relationship with the child after its birth. Women and men must have working conditions that allow them to perform the social function of bringing up children and taking care of them.

187. Pursuant to the **Act on Labour Inspection**,<sup>55</sup> labour inspectors of the labour inspectorates supervise compliance with legislation and other regulations in the areas covered by labour inspection and for this purpose labour inspectors are empowered, according to the results of labour inspection and the gravity of the findings thereof, to order the elimination of ascertained defects, to prohibit the performance of work and activities posing an immediate threat to the safety and health of employees, to prohibit the work of pregnant women, mothers who have given birth within the previous nine months, breast-feeding women, natural persons under the age of 18 years and other work and activity if its performance contravenes applicable regulations, and to propose the imposition of a fine on an employer for a

<sup>54</sup> Act No. 48/2011 Coll. amending Act No. 311/2001 Coll. the Labour Code, as amended, entry into effect 01 April 2011.

<sup>55</sup> Act No. 125/2006 Coll. on labour inspection and on the amendment of Act No. 82/2005 Coll. on illegal work and illegal employment and on the amendment of certain acts, as amended.

breach of labour law regulations, in particular those concerning the commencement, change and termination of the labour-law relationships, the pay conditions and the working conditions of employees including the working conditions of women, adolescents and persons with disabilities, obligations resulting from collective agreements and legislation on the prohibition of illegal work and illegal employment.

188. An important role in eliminating gender gaps in the labour market is played by the projects under the **OP Employment and Social Inclusion** carried out in the programming period 2007-2014. Examples of good practice include the previously mentioned national project Institute for Gender Equality<sup>56</sup> and the project of the civil association MyMamy under the name Pandora's Box.<sup>57</sup> The aim of the project is to increase the range of social services provided by the women's interest association MyMamy for the development of the ability of vulnerable population groups and members of their families to lead an independent life, to eliminate negative side effects that lead to social exclusion, primarily by increasing the availability of services in rural areas through information and communication technology and the development of the quality of human resources in service provision.

189. With regard to the recommendation to narrow and close the wage gap, the Slovak Republic has taken the necessary legislative steps in this direction. An important provision was added to the **Labour Code** in 2007, enshrining in law the principle that pay for equal work and work of equal value must be equal for women and men. In spite of this legislation, Slovakia continues to have a large pay gap between women and men. The gender pay gap is gradually narrowing and is now around 20%. This means that women's average earnings are still less than 80% of men's.

190. The Slovak Republic is currently implementing or preparing to implement a number of measures to reduce the pay gap including support for the exchange of good practice within the EU, the implementation of gender audits in workplaces at least in the public sector, the preparation of training and certification for gender audits in cooperation with the International Labour Organisation. An equal pay day (around 5 April each calendar year) has been introduced to raise awareness.

191. The Ministry of Labour, Social Affairs and Family regularly organises the competition **Employers Friendly to Family, Gender Equality and Equal Opportunities**. The basic objectives of the competition include motivating employers to create conditions that are responsive to employees' family duties and giving public recognition to employers who implement systems for reconciling work and family life and for creating equal opportunities for women and men. The competition was announced on the International Day of Families (15/05/2000) and prizes were awarded at first annually on this date, and from 2011, every two years.

192. Regarding the recommendations on reconciling **family and working life**, we would point out that the Labour Code makes provision for flexible forms of employment which can have a positive effect on the employment of women who wish to balance family and work duties. The following flexible forms of employment are defined:

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<sup>56</sup> <http://www.instituttr.sk>.

<sup>57</sup> [http://www.mymamy.sk/obsah/17/pandorina\\_skrinka/](http://www.mymamy.sk/obsah/17/pandorina_skrinka/).

- employment with shorter working time (part-time work) — the employer can agree with the employee in the employment contract on shorter working time than the set weekly working time. The reason why this form of employment is not used more often, for example by employees returning from parental leave, is that a part-time worker is entitled only to pay corresponding to the agreed shorter working time;
- a labour-law relationship based on an agreement on the performance of work or agreement on work activity;
- job sharing — this option allows an employer to create a shared job for part-time employees, in which the employees agree with each other on the scheduling of working time and work tasks assigned to the job (**added to the Labour Code by Act No. 257/2011 Coll. with effect from 01 September 2011**);
- fixed-term employment;
- flexible working time — more adaptable rules on flexible working time — cancellation of the requirement to define optional working time. This could lead to greater work efficiency. Each employee chooses the working hours that are most convenient for him/her (**Change introduced by Act No. 257/2011 Coll. amending Act No. 311/2001 Coll. the Labour Code, as amended**, with effect from 01 September 2011);
- homework and telework — this form of work is used mainly for the transition from parental leave to employment, for parents with young children.

193. These **atypical forms of employment including variable forms of working time** increase employees' satisfaction, increase job quality, increase the efficiency of work processes and help employees to reconcile their work and family duties. Each of the above-mentioned flexible forms of employment has its own special characteristics and the employer and employee have the option to choose any of the methods in the current legal framework and the agreed type of labour relationship. Employees in Slovakia make less use of these options than is typical in western European countries. In this case the problem is not on the side of the law, because the Slovak Republic has an adequate number of instruments for the reconciliation of work and family life, but more of a question of the will, motivation and space to use alternative forms. Flexible options that the employer and employee can agree on, such as work with reduced working time, are not always beneficial for employees caring for a child. In an environment with relatively low wages, employees are afraid, primarily for economic reasons, to accept a job where they will earn a lower wage. For this reason there is stronger motivation for an employee not to leave the labour market and continue working alongside care for a child than there is to take a job with shorter working time alongside child care (after leaving the labour market).

194. Supervision of compliance with an employer's duty to respect the principle of equal treatment in relations with employees is included in labour inspections concerning compliance with employment law. The purpose of such inspection includes monitoring the situation relating to discrimination and the detection of workplace discrimination.

195. In 2013 the **labour inspectorates** carried out two systematic inspections on the national level for compliance with the principle of equal pay for men and

women for equal work and work of equal value. Labour inspections carried out during systematic inspections and also at the instigation of employees and employees' representatives identified 44 breaches of the provisions of the Labour Code establishing the rights and duties of the parties to employment in connection with the principle of equal pay. As part of all inspection activity and also at the request of employers and natural persons the labour inspectorates provide free basic technical advice and information within the scope of their authorisation on the most effective ways to comply with the rules governing the area concerned.

196. In 2013 the labour inspectorates received 39 complaints from employees relating to breaches of the principle of equal treatment as applied to labour-law relations and discrimination in remuneration. The inspections carried out found 62 breaches of employers' duties defined in the Labour Code for the area under review. The increase in the number of complaints compared to 2012 points to a social trend of continuously growing legal awareness of citizens of the Slovak Republic, who are using the labour inspection authorities to enforce protection of their rights and legally protected interests.

197. Projects carried out by the Slovak Business Agency (SBA) supporting women's business activities:

- Support of Female Entrepreneurs in Slovakia (01/08/2009-31/07/2011);
- Guardian Angels for Female Entrepreneurs (1.9.2011-31.8.2013) + loose continuation of the project.

The aim of the project was to enlarge and enrich the ranks of entrepreneurs with women, to help women to overcome fear and start businesses and to become autonomous and independent, which is also the aim of the support programmes of the European Commission. Implementation of this initiative included the establishment a European network of female entrepreneurship ambassadors to serve as a source of inspiring examples and personal stimuli for potential women entrepreneurs, and a European network of mentors for women entrepreneurs, through which experienced entrepreneurs provide voluntary advice and mentoring for women entrepreneurs who are getting started.

198. Slovakia participated in the initiative through the activities of SBA. SBA has been involved in **supporting women entrepreneurs** for nearly 15 years. SBA has announced the 14th Slovak Female Entrepreneur Project, where the main aim is to acknowledge and express appreciation for the important role of women in the business sector. The wife of the president of the Slovak Republic, Mrs Silvia Gašparovičová, has been the patron of the project. The many years of experience in supporting and promoting women entrepreneurs through the Slovak Female Entrepreneur contest became the basis for the project Support of Female Entrepreneurs in Slovakia, by which SBA and therefore also Slovakia joined the 23 other states participating in the European Network of Female Entrepreneurship Ambassadors. Slovak Female Entrepreneurship Ambassadors aimed to inspire and stimulate potential women entrepreneurs through their own business stories and practical advice so that they would not be afraid to set out on their own business career. SBA did not stop supporting female entrepreneurship in Slovakia with the end of the project. SBA began representing Slovakia in the development of a new initiative of the European Commission — the European network of mentors for women entrepreneurs. The baton was taken up by the new project Guardian Angels

for Female Entrepreneurs. While the aim of the first project was to use ambassadors' business stories and practical advice to inspire potential female entrepreneurs to start a business, the second one addressed the question of the next step and who will help starting women entrepreneurs in their first years in business.

199. In 2011 the **Citizen, Democracy and Accountability** NGO carried out the project Improving the Application of the Equal Treatment Principle in the Labour Market through Cooperation with Labour Inspectorates in their Training and Education,<sup>58</sup> with support from the Office of the Government of the Slovak Republic through the programme Support and Protection for Human Rights and Freedoms. The aim of the project was to improve the application of the equal treatment principle in the work of the inspectorates and to increase the effectiveness of the labour market with reference to problematic aspects of the identification, detection and sanctioning of cases of discrimination on various grounds including sex and gender. The project builds on successful cooperation with the labour inspectorates in 2010 during which the basic topics for discussion and implementation were generated.

#### Analysis of the existing situation and development trends

200. Women's employment in the Slovak Republic is affected by a range of factors specific to the country such as large regional differences and the small number of part-time jobs. In terms of women's overall employment, the Slovak Republic is a country with **a relatively low level of female employment**.

Table 7  
**Overview of basic indicators on the labour market from a gender perspective**

<i>Indicator</i>	<i>Women</i>	<i>Men</i>	<i>Gender gap</i>
Employment rate (in %, 20-64 years, 2012)	57.3	72.8	15.5
Employment rate (in %, 15-64 years, 2012)	52.7	66.7	14
Youth employment rate (in %, 15-24 years, 2012)	16	24.1	8.1
Senior employment rate (in %, 50-64 years, 2012)	47.6	63.1	15.5
Unemployment rate (in %, all age groups, 2012)	14.5	13.5	1
Youth unemployment rate (in %, 15-24 years, 2012)	32.5	35	2.5
Senior unemployment rate (in %, 50-64 years, 2012)	11.3	10.9	0.4
Unadjusted gender income gap (in %, 2011)			20.5%
Gender distribution of unpaid work (hours/week, 2010)	24.5	6	18.4
Total amount of paid and unpaid work (hours/week, 2010)	67.1	52.6	14.7

*Source: 9 Synthesis Report on the State of Gender Equality in Slovakia for 2012.*

201. In 2012 the employment rate for women aged 15 years and over was 43.3% and for men 59.1%. From this data, the gender gap in men's and women's employment is 15.5% to the disadvantage of women.

<sup>58</sup> <http://www.oad.sk/node/647>, 648, 576, 587.

202. **The rate of economic activity** for men (68.4% in 2012) is still much higher than for women (50.7% in 2012),<sup>59</sup> with a gender gap of nearly 18 percentage points. The largest gender gap is in the economic inactivity of women and men — the difference in numbers is enormous. In 2012 the percentage of women who were economically inactive was 62.6 %, while in the case of men, less than a third were inactive. It is not only the older age structure of women that causes the difference.

203. In the working process in the Slovak Republic, women face **horizontal and vertical segregation**. In areas such as health care, social services and education women make up over 80% of the workforce and in the public administration sector 60%. On the other hand, in the private sector where earnings are larger, women make up only 41% of employees. The gender gap is most pronounced in the business sector, where there is one female entrepreneur for every three men. The Slovak labour market is one of the most **gender segregated labour markets** in Europe, i.e. despite the increasing share of women in leadership and management positions (31% in 2011),<sup>60</sup> women are employed in lower positions much more frequently than men.

204. Gender segregation is closely linked to the overall lower income of women, as there continues to be a large gender gap between women's and men's pay. Women are found more often in low-paid groups of employees, i.e. those whose hourly pay is lower than 2/3 of the median hourly wage in the Slovak economy. Despite women's very good level of education (in Slovakia in fact higher than men's) women do not achieve comparable earnings to men because education in "typically female areas" is less valued.

205. The gender pay gap has long been above the average for the EU-27 but it continues to show a favourable, falling trend. In 2012 the unadjusted form of the gender pay gap in hourly earnings between men and women was 21.5% and in 2013 it fell to 17.9%.<sup>61</sup> In the private sector in Slovakia the pay gap is in the range 19-21% and in the public sector it is 10-16%. There are significant differences in the gender structure of the two sectors, with women making up 68% of workers in the non-business sector and 42% in the business sector.

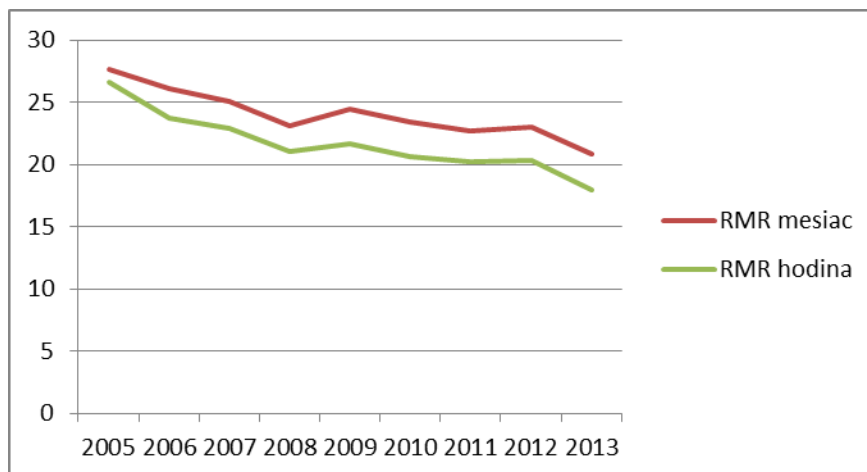
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<sup>59</sup> Source of labour market data: Statistical Office of the Slovak Republic, Slovstat database.

<sup>60</sup> Includes corporate managers and managers of small enterprises, the EU-27 average was 33% (source: Eurostat: [http://epp.eurostat.ec.europa.eu/cache/ITY\\_PUBLIC/3-07032013-AP/EN/3-07032013-AP-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-07032013-AP/EN/3-07032013-AP-EN.PDF)).

<sup>61</sup> All data on the gender pay is drawn from the Average Earnings Information System, Trexima, Bratislava.

Graph 3  
Gender pay gap in the period 2005-2013 (hourly and monthly pay)



Source: 10 Trexima, AVERAGE Earnings Information System, 2005-2013.

RMR mesiac = monthly GPG

RMR hodina = hourly GPG

206. A number of factors contribute to the maintenance of the gender pay gap, including the **horizontal segregation of the labour market**; women are most likely to be employed in sectors of the economy that are considered to be typical for women and have low pay levels, and sectoral segregation especially in the private sector. Another factor is vertical segregation — the “glass ceiling effect”, which limits the number of women reaching the highest (and best paid) positions in fields where women are otherwise strongly represented.

207. In employment practice in Slovakia it is also very common for there to be **unequal treatment owing to parenthood, especially maternity**. A change of an employee’s family status and the birth of children often leads to a change in employers’ behaviour. A large percentage of them monitor the family situation of their employees, make problems after their return from parental leave or have prejudices against employees who are mothers.<sup>62</sup> One of the effects of the above (although it also has other causes) is low representation of women in senior and top management, which means that women have limited opportunities to participate in decision-making. It is the same with women’s participation in public life and politics. Low participation of women leads to a situation in which women are unable to influence strategic decision-making and planning and in the final result it also has effects on their living situation.<sup>63</sup>

208. The **reconciliation of family and working life** continues to face significant barriers and deficiencies in the Slovak Republic. The most frequently implemented and used measure for reconciling work and family life is flexible working time. One

<sup>62</sup> Filadelfiová, J.: Podkladová analýza prioritných oblastí pre prípravu Národnej stratégie rodovej rovnosti (Supporting analysis of priority areas for the preparation of the National Strategy for Gender Equality). MLSAF, Bratislava, 2008. <http://www.gender.gov.sk/index.php?id=566>.

<sup>63</sup> Ibid.

consequence of persistent gender stereotypes is that care of children and other family members is still seen as women's work. Only a very few fathers take parental leave. Men's low participation in housework and the absence of public and private services (or their financial inaccessibility) prevent many women from returning to the labour market. Because women continue to bear most of the responsibility for care of dependent family members in Slovakia, their growing role in the world of paid employment means that they are increasingly **confronted with a double burden**. Many women care for older family members without appropriate equipment or access to services.

209. It is necessary to pay attention to the large **gender dimension of the effect of parenthood** on the employment of women and men. The overall finding is that the presence of children under the age of six years in a family significantly reduces the employment rate of women but has only a minimal effect on men's employment. The employment rate of women aged 25-49 years with a child under the age of six years is less than 40% while for men in the same age group and in the same phase of parenthood it is over 83%. The gap between men's and women's remuneration for work widens after the birth of each additional child. One of the reasons for these structural problems lies in the fact that women's transition into paid labour has not sufficiently been matched by men's transition into unpaid work in the home.<sup>64</sup>

210. A key factor in the status of women and men in society and equal economic independence is the **relationship between paid and unpaid work and the distribution of unpaid work between men and women**. This context should include measures for reconciling work and family life that support men in playing a larger role in care for dependent persons and also ensure that women and men make equal use of opportunities for reconciling work and family life. Without such support, women's disproportionate share of unpaid work will simply be reproduced.

### **Marginalised Roma communities**

211. Attention should also be paid to gender inequality in **marginalised Roma communities**, as the situation of Roma women is significantly affected by strong gender stereotypes and a higher level of restriction of women's human rights, which is reflected in their status in the labour market. Research into the living conditions of Roma households<sup>65</sup> has identified a high level of gender differences, which form another structure within the geographical and ethnic structures in Slovakia.

212. The data shows gender inequalities in all compared indicators: these existed in both the Roma and the general population but differences were several times larger in the Roma population. Even compared to the very low level of employment in the overall Roma population, in all age and generation groups the employment rate of

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<sup>64</sup> Jarvklo, N., 2013: Parental leave policy in Sweden: evolution, lessons learned. Paper on Fifty-seventh session, March 2013 of United Nations Commission on the Status of Women, New York.

<sup>65</sup> UNDP 2012: Report on the living conditions of Roma households in Slovakia 2010 Bratislava. Based on sociographic mapping of Roma communities classified according to the degree of integration with the majority population as segregated, separated or diffused. A control set for the survey was selected from the general population living in the spatial vicinity of Roma households. Data was gathered in November and December 2010 through face-to-face interviews using a structured questionnaire. The analysis covered a total of 1,083 households, of which 723 were Roma households made up of 3,614 individuals (of whom 1,832 were men and 1,782 were women). The control group comprised 360 households and 1,060 individuals (of whom 517 were men and 543 were women).



Roma women was less than half that of men (on average 20% for Roma men and 10% for Roma women).

213. Roma women faced a larger gender gap than women in the spatially close general population when women's and men's employment rates were compared in each group. **The employment rate of Roma men was less than a third of that of men in the spatially close general population (20% compared to 61%) while Roma women's employment rate was between a fifth and a quarter of that of women in the general population (11% compared to 49%).** The "geographical-ethnic" gender gap in employment was already high for the youngest generation of women (7.7% for Roma women aged 15-24 years against 16.7% for the same women in the general population) and increased with each transition to an older generation (up to a difference of 4.7% to 23.7% in the 55-64 age group). Looking at the overall population aged 15 years and over, the employment rate of Roma women was 10.5% while women in the spatially close general population had an employment rate of 39.6%; the rates for Roma men and men in the general population were 19.5% compared to 52.7%.<sup>66</sup>

214. Women, especially Roma women, were more likely never to have participated in paid labour: 56% of Roma women aged 15-64 compared to 45.8% of women in the general population and 28.1% of Roma men.<sup>67</sup> The exclusion of the Roma population from paid labour (economic inactivity) is high and successful entry into the labour market is low overall, but in the case of Roma women it is taking on gigantic dimensions which continue to grow as spatial exclusion increases.

215. Roma women are incomparably more likely than men to be on parental leave or in the household and fewer of them work or register as unemployed. Overall the economically active group (i.e. workers plus unemployed persons) included 76.6% of Roma men but only 52% of Roma women. **On average every second Roma woman is economically active while three in every four Roma men are economically active.**

216. The working status of Roma women is also affected by their type of housing. In segregated settlements 2.5% worked, in separated settlements 6.2% and in the case of Roma women living diffused 9.8%. While the type of settlement did not affect the number of women studying or taking maternity leave or parental leave, there was an effect on pensioners and women remaining in the household. Women living in segregated settlements were least likely to receive an old-age pension but this settlement type also had more recipients of invalidity pensions than other types of settlement. Women were most likely to remain in the household in segregated settlements (6.8%) and were half as likely to do so if living diffused (3.2%). It can

<sup>66</sup> In 2010, the average employment rate for the population of Slovak as a whole was 58.2% for men and 43.4% for women. This means that not only Roma men and women but also men and women from the geographically close general population had significantly lower employment than the national averages for men and women. Repeated findings have identified a threefold decline in employment levels: between Slovakia as a whole and the general population in regions in the vicinity of Roma communities; between the general population in the vicinity of Roma communities and the Roma population; and between the different types of Roma communities. Together with these general geographic and ethnic differences there is also a gender gap.

<sup>67</sup> The rate of economic activity was symmetrically opposite — Roma women had the lowest level (only 44% of Roma women aged 25-64 were economically active compared to 54.2% of women in the general population and 71.9% of Roma men).

be concluded that spatial segregation **increases the gender and ethnic disparities faced by Roma women**. In the segregated environment Roma women are almost totally excluded from paid work and most often remain in the household or receive an invalidity pension. In addition to general factors<sup>68</sup> the situation may be influenced by cultural norms and expectations about men's and women's roles in the family and in society;<sup>69</sup> the increased number of invalidity pensioners (and the lower number of old-age pensioners) in the data may point to adverse effects on Roma women's health caused by poor quality of life in segregated settlements.

217. On the whole, the comparison of the Roma and general populations points to a **completely different level of development** despite the geographical vicinity. The cited numbers for participation in paid employment seem to come from two completely different countries, not "neighbours".<sup>70</sup> Per capita economic activity of the average member of the majority population is EUR 12.7 per year, which is on the level of richest 25% of countries in the world. Per capita economic activity of a Roma person is EUR 1.4 per year, which is on the level of the poorest 25% of countries in the world. In the case of Roma women from marginalised Roma communities, geographic-ethnic differences are multiplied by rigid gender rules as a further factor of disadvantage. If Slovak society as a whole has long had large gender disparities in terms of status in the labour market, these differences are even deeper in the Roma population.

## **Article 12**

### **Health**

#### Legislation

218. The Slovak Republic adopted legislation bringing **patients' rights** into line with international standards in 2005. Women who were allegedly affected by errors in connection with sterilisation that took place before 01 January 2005 have the possibility to seek redress before the general courts of the Slovak Republic in civil proceedings. Regarding the call for the full investigation of all cases of forced sterilisation, we refer to the report of the Council of Europe Commissioner for Human Rights of March 2006 (CommDH(2006)5) which states that thorough efforts were made to investigate the claims of forced or coerced sterilisations of women of Roma origin in Slovakia. In addition to a criminal investigation, a professional medical inspection of healthcare establishments was organised and an expert opinion of the Faculty of Medicine of the Comenius University in Bratislava requested. It was not confirmed that the Slovak Government would have supported an organized discriminatory sterilizations' policy. Legislative and practical measures were taken by the Government in order to eliminate the administrative shortcomings identified in the course of inquiries and to prevent similar situations from occurring

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<sup>68</sup> For example demographic factors (higher fertility, greater and earlier female and male mortality, lower life expectancy) health factors (worse health, higher rates of ill-health) and work factors (fewer jobs, lack of qualifications).

<sup>69</sup> For more information see Cultural Association of Roma in Slovakia, 2009: *Dáta o ľudských práva rómskych žien* (Data on the human rights of Roma women), Banská Bystrica 2009.

<sup>70</sup> UNDP 2012 Report on the living conditions of Roma households in Slovakia 2010.

in the future.<sup>71</sup> The conclusion of the Commissioner's report did not request further investigation on the part of the Slovak Republic. The recommendation concerned only the question of compensation for the victims of breaches of rights under the European Convention on Human Rights (ECHR) due to the performance of illegal sterilisations.

219. The Slovak Republic has made provision for **conscientious objection** in law. Healthcare professionals cannot be required to perform or participate in an act that is against their conscience except in cases where there is a direct threat to life or health. Ethical questions relating to the provision of healthcare are assessed by an independent ethics commission, the conditions for whose activities are defined in law. A healthcare provider need not conclude an agreement on the provision of healthcare with a patient if doing so is against his/her personal belief. It applies exclusively to cases of induced abortion, sterilisation and assisted reproduction.

220. Open questions in the area of sexual and reproductive health and rights, especially the implementation of conscientious objection and universal access to methods and services for family planning (planned parenthood) remain an **open challenge for the next period**. The Committee for Gender Equality therefore proposed, in draft measures for the preparation of the National Strategy for the Protection and Support of Human Rights in the Slovak Republic, that provision should be made to ensure women's universal and non-discriminatory access to such services in the event of reasonable application of conscientious objection in health services and that a *Programme for the Support and Protection of Sexual and Reproductive Health in the Slovak Republic* should be elaborated to ensure all women have access to sexual and reproductive health services and rights, and free access to information on sexual and reproductive health and rights including upbringing and education. These issues will be taken into account in the new strategy for gender equality.

221. The Criminal Code (Act No. 300/2005 Coll.) incorporated the definition of the crime of "unlawful sterilisation" from the previous code into the definition of the crime "**Unauthorised removal of organs, tissue and cells and unlawful sterilisation**" (**section 159**) and also set stricter penalties for perpetrators. Pursuant to section 159(2), whoever carries out unauthorised sterilisation of a natural person shall be sentenced to imprisonment of two to eight years. The perpetrator shall be sentenced to imprisonment of seven to twelve years if the crime is committed in a more serious manner, for a special motive, or as a member of a dangerous group (section 159(3)). The perpetrator shall be sentenced to imprisonment of ten to fifteen years if the crime causes serious injury or death (section 159(4)).

222. Victims of trafficking in human beings for the purposes of unlawful or unauthorised removal of human organs, tissues and cells are often women who have previously been sexually exploited for the purposes of prostitution. For this reason, a representative of the Ministry of Justice of the Slovak Republic took part in regular meetings of the Committee of Experts on Trafficking in Human Organs, Tissues and Cells (**PC-TO**), which prepared and approved on the expert level the **Council of Europe Convention against Trafficking in Human Organs** in 2012.

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<sup>71</sup> On 01 April 2014 there entered into effect Decree of the Ministry of Health No. 56/2014 Coll. establishing particulars of the information to be provided before informed consent for the performance of sterilisation of a person, and a sample of informed consent for the performance of sterilisation of a person in the state language and the languages of national minorities.

223. The European Court of Human Rights (hereinafter the “Court”) gave judgements against the Slovak Republic in three cases connected with the sterilisation of women without their informed consent (*V.C. v. Slovakia* (judgement of 08 November 2011 became final 08 February 2012), *N.B. v. Slovakia* (judgement of 12 June 2012 became final 12 September 2012) and *I.G., M.K. and R.H. v. Slovakia* (judgement of 2012 became final 29 April 2013)). In the case of *V.C. v. Slovakia*, the Court did not require domestic authorities to commence a criminal investigation on their own initiative because it did not find that doctors acted in bad faith, with the intention of ill-treating the applicant. The Court did not accept the claim of a violation of the procedural limb of article 3 of the ECHR in the case of *V.C. v. Slovakia* relating to failure to conduct an effective investigation. Likewise, in the case of *N.B. v. Slovakia*, the Court did not accept the applicant’s argument that Slovakia failed to conduct an effective investigation into her sterilisation. It found that the applicant’s criminal complaint had been examined by prosecuting authorities at three levels and that the General Prosecutor’s Office had acknowledged that the applicant had been sterilised contrary to the relevant law as her representative had not consented to the procedure. The Court found a violation of article 3 of the ECHR only in the case of *I.G., M.K. and R.H. v. Slovakia* and in connection with the specific facts of the case, when it declared that the way in which the domestic authorities proceeded with the case was not compatible with the requirement of promptness and reasonable expedition. The submitted evidence did not persuade the Court that sterilisation was a part of an organised policy, or that the hospital staff’s conduct was intentionally racially motivated. **The Court’s judgements in the above cases do not support the claims of numerous, illegal sterilisations of Roma women.**

224. The legislative and other measures that the Slovak Republic is taking in connection with the implementation of the above judgements are currently being monitored by the Committee of Ministers of the Council of Europe. The applicants have been paid the financial redress awarded by the Courts. All the above-mentioned judgements have been published in the *Judicial Review*. The judgements against the Slovak Republic in the cases of *V.C.* and *N.B.* have also been sent to president of the Constitutional Court and the presidents of all the district and regional courts. The representative of the Slovak Republic before the European Court of Human Rights presents information on the cases during education and training activities for judges and prosecutors. For the domestic courts the judgement in *V.C. v. Slovakia* (and the other two cited judgements) are an important guide for how to proceed when assessing actions for damages from women affected by errors in connection with sterilisation and when setting the amount of damages.

225. Topics arising from the CEDAW convention are incorporated into education content in a cross-cutting manner for all students in full-time or part-time study in healthcare education leading to a professional qualification for the performance of specialised work activities in individual healthcare professions (Government Regulation No. 296/2012 Coll. on vocational qualifications for the performance of healthcare professions, the method of continuing education for healthcare professionals, the system of specialisations and the system of certified work activities) in the following subjects: professional ethics, public health, community medicine, social determinants of health, gynaecology and obstetrics, healthcare law, nursing, gynaecological nursing, midwifery, community nursing, emergency healthcare, multicultural nursing, social work and others. The topic is also addressed

in specialised qualification studies for nursing in the following fields: surgery, adult intensive care, intensive care in gynaecology and obstetrics, midwifery and care for women in the family and community, nursing in the community, and also in healthcare management and organisation studies for the Master of Public Health degree.

226. One of the most important instruments for increasing awareness, supporting levels of health awareness and improving access to healthcare services is the **project “Healthy Communities”**, which is based on the framework of the Health Promotion Programme for Disadvantaged Communities in Slovakia. The project is implemented by the Platform to Promote the Health of Disadvantaged Groups (PPZZS) under the supervision of the Office of the Government Plenipotentiary for Roma Communities. In the fourth quarter of 2013 the Ministry of Finance, Ministry of Interior and Ministry of Labour, Social Affairs and Family jointly provided a grant of EUR 336,909.00 to ensure financing of the project. The contribution of the Ministry of Labour, Social Affairs and Family amounted to EUR 112,303. The primary target group is members of marginalised Roma communities in Slovakia. The aims of the project include:

- Improving relations and communications between the community and healthcare providers and overcoming mistrust of the healthcare system;
- Breaking down barriers to access to healthcare and establishing new communication channels;
- Increasing the level of health awareness, people’s responsibility for their own health and personal and communal hygiene;
- Improving and making more effective use of available healthcare services including participation in preventative check-ups;
- Reducing cases of infectious diseases;
- Increasing the number of women who regularly attend check-ups during pregnancy;
- Increasing awareness of compulsory vaccinations for children and their benefits/expected reactions and usual harmless side-effects and increasing participation in children’s compulsory vaccinations;
- Increasing the number of children vaccinated against the hepatitis A virus (children under the age of 2 years living in conditions with low standards of hygiene);
- Improving communication with the competent operational centres of emergency medical services;
- Reducing the number of unjustified dispatches and abuse of rapid medical assistance;
- Increasing awareness of over-the-counter medicines and their use.

227. The Ministry of Interior — OGPRC is currently providing funding<sup>72</sup> of EUR 750,000.00 to secure the continuation of the project in the first and second quarters of

<sup>72</sup> In accordance with Act No. 526/2010 on the provision of subsidies within the competence of the Ministry of Interior of the Slovak Republic, as amended.

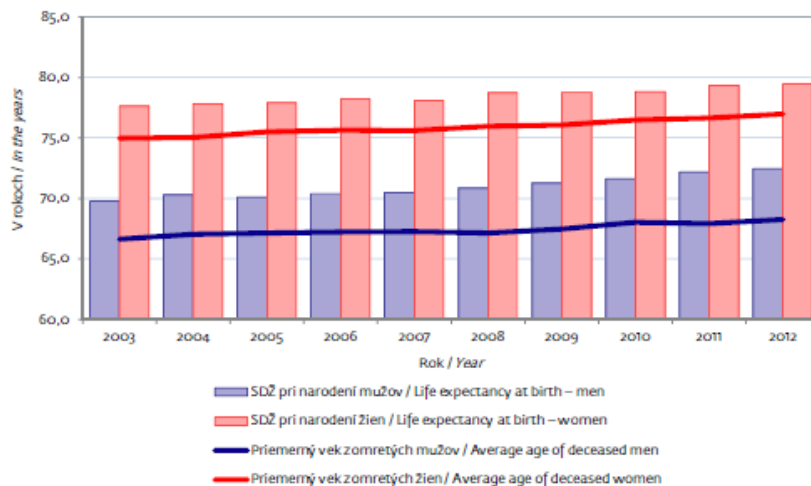
2014. The project will use the funding to expand to a further 36 locations and increase the number of healthcare outreach workers by 36 assistants and 4 coordinators. At present there are 120 field healthcare assistants (health mediators) working on the project covering a population of 100,000 members of marginalised communities chosen from the results of processing data from the Atlas of Roma Communities 2013. The objective of the OGPRC for the first half of 2014 is to stabilise the number of workers in the project at 160. Out of the current total of 120 workers carrying out project activities 83 are women.

#### Analysis of the existing situation and development trends

228. Although women's average life expectancy is 7 years longer than men's, they can expect to spend **more years in poor health**. According to the EU SILC sample survey in 2012, chronic illnesses or conditions affect 34.7% of women and 25.8% of men. An assessment of their health condition as bad or very bad was given by 14.9% of women and 10.8% of men. The frequency of diabetes is increasing and the number of women with the disease is 9.5% larger. The number of cases of tuberculosis has long been falling but amongst men the disease is 1.8 times more frequent than amongst women. Men commit suicide 5.7 times more often than women. For every 100,000 persons in the population there are 2.9 women who commit suicide and 17.4 men; men also attempt suicide more frequently. The number of men treated for drug addiction is 4.5 times greater than the number of women.<sup>73</sup>

Graph 4

#### Life expectancy at birth and the average age of death in the Slovak Republic by sex



*Source: 11 National Health Information Centre: Health Yearbook Year 2012.*

229. Statistics show large differences between men's and women's death rates in middle age. The death rate for women in productive age (15-64 years) was 2.2 per

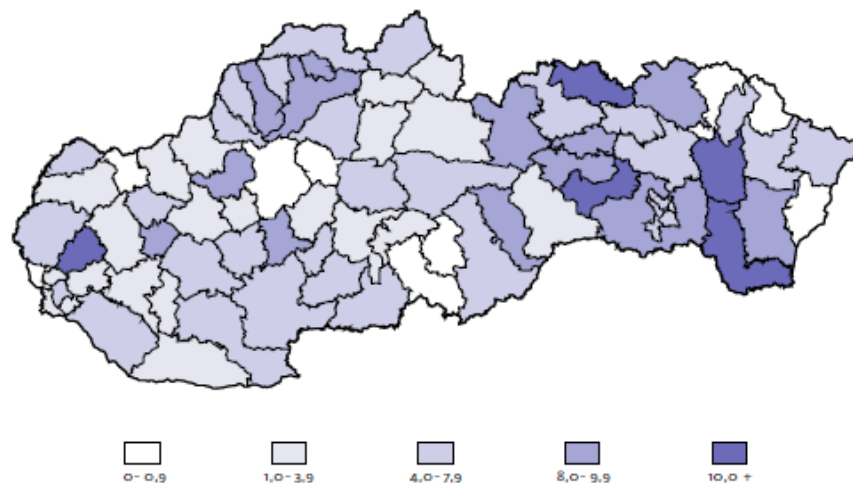
<sup>73</sup> Source: Statistical Office of the Slovak Republic <http://portal.statistics.sk/showdoc.do?docid=29763>.

thousand while for men it was 5.2 per thousand. The largest difference was in the 20-34 age group, in which 80% of fatalities were male and the main causes of death were traffic accidents, accidental injuries and suicide. The predominance of male fatalities continues to the age of 75 years.

230. The most frequent **causes of death** have not significantly changed in a long time. The most common cause of death for both men (46.2% of cases) and women (60.1% of cases) in 2012 was circulatory disease. There are significant gender differences in the causes of death in middle age. The percentage of men aged 25-64 who died of circulatory disease was 25% while for women of the same age it was 7%. Death comes after 65 years or more in the case of 75% of men but 93% of women. There is also a large difference between the sexes for deaths due to external causes. Traffic accidents, accidental injury and deliberate self-harm accounted for the deaths of 7.7% of men (2,069 men) but only 2.6% of women (658 women). A large percentage of the male victims (70%) were in the 14-64 age group.

231. In terms of indicators for **reproductive health** (as defined in the Millennium Development Goals) the Slovak Republic has long been a country in the European mainstream except for a few indicators such as infant mortality, where Slovakia exceeds the EU average with more than one additional death of a child before his/her first birthday in every thousand live births.<sup>74</sup> From the map it is clear that the high incidence of infant mortality (more than ten times in comparison with the capital and certain other areas) is due to the low social status of mothers or parents, especially in marginalised communities, and the resulting disadvantages and limitations in access to or non-use of prenatal health care.

Illustration 1  
**Infant mortality in 2012**



*Source: 12 National Health Information Centre: Health Yearbook Year 2012.*

<sup>74</sup> National Health Information Centre: Health Yearbook Year 20108, <http://www.nczisk.sk/Documents/rocniky/2010/1kap.pdf>. 344 children died within the first year of life (195 boys and 149 girls) with a negative difference of 2 children (14 fewer boys died and 12 more girls died). There was a slight increase in neonatal mortality as 29 more children died within 28 days from birth (of whom 24 were girls), a rate of just under 3.6%.

232. Selected indicators on the health condition of the population indicate that Slovakia is amongst the countries in the European Union with **the lowest number of reported cases of HIV/AIDS**. Even so, it must be borne in mind that the number of HIV infections in Slovakia increases every year. The vast majority of persons with HIV infections are male. There are 286 infected men and 53 women. The most frequent vector of transmission is homosexual intercourse (65%) and infection is transmitted by heterosexual intercourse in a quarter of cases.<sup>75</sup> It is possible to successfully eliminate transmission of HIV from mother to child at birth; out of 16 women infected with HIV transmission between mother and child has not been confirmed in 11 children and another 5 children are being monitored by health personnel.<sup>76</sup> Prevention of HIV/AIDS is dealt with in the National Programme for the Prevention of HIV/AIDS in the Slovak Republic 2009-2012,<sup>77</sup> which was approved by the government in 2009.

233. **There is disturbing trend in other sexually transmitted diseases**, where incidence is slowly increasing. For example, in 2012 there were 1,142 reports of cases of sexually transmitted diseases, which is 96 cases more than in 2009, i.e. an increase of 12.2% (cases increased by 7.5% in the years 2009/2010). Women contributed 420 cases to this total, i.e. 36.8%.<sup>78</sup> Syphilis was the most frequent sexually-transmitted disease for both sexes. This trend can be attributed to relatively low levels of awareness and information campaigns on preventing sexually transmitted diseases and risky behaviour.

234. Preventative measures in the area of reproductive health such as preventative check-ups are provided only on a voluntary basis; no system for cancer screening currently exists. Regarding reports of cancer of women's reproductive organs, the most common are breast cancer (around 2,200 cases per year) and uterine cancer including cervical cancer (around 1,400 cases). Vaccination against Human papillomavirus is available in Slovakia and partly funded from health insurance for girls aged 11 to 12 years; the high price of the vaccine (around EUR 400) means that there is relatively little interest in vaccination in other groups. Cancers affecting men's reproductive organs are a little less frequent (around 2,000 reported cases) but even so it is necessary to pay attention to them for prevention and awareness raising. Such activities are performed mainly by NGOs such as the League against Cancer, and commercial firms as part of their information campaigns.

235. As regards **reproductive rights**, there are no serious legal obstacles or restrictions preventing women's access to necessary services and resources such as contraception and planned parenting. This is reflected in the long-term trend towards an increase in the number of women using modern contraceptives (around 400,000 women of fertile age) and probably also other methods of family planning (especially "natural" methods) and the resulting and welcome continuing decline in the number of artificial terminations of pregnancy. Since 2008 this trend has reversed, however, and the number of users of modern contraceptives has begun to fall. In 2012 contraception was used by 304,277 women (22.4% of women of fertile age) in Slovakia. The percentage of women using hormonal contraception was

<sup>75</sup> [http://www.uvzsr.sk/docs/info/epida/Vyskyt\\_HIV\\_AIDS\\_31102010.pdf](http://www.uvzsr.sk/docs/info/epida/Vyskyt_HIV_AIDS_31102010.pdf).

<sup>76</sup> <http://www.sme.sk/c/5656257/pocet-nakazenych-hiv-na-slovensku-stupa.html#ixzz16zc9sVXI>.

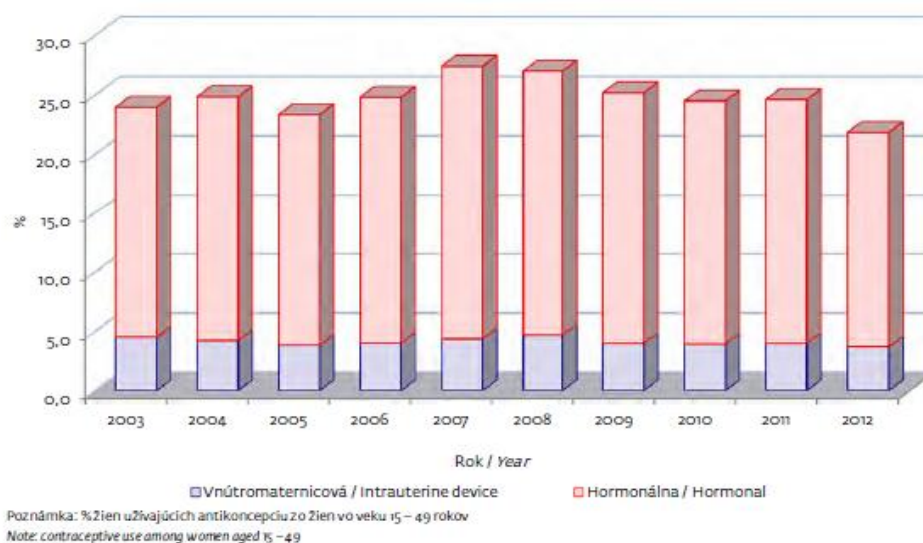
<sup>77</sup> <https://lt.justice.gov.sk/Material/MaterialWorkflow.aspx?instEID=-1&matEID=1749&langEID=1>.

<sup>78</sup> National Health Information Centre: Health Yearbook Year 2012.



81.1% and intrauterine devices were used by 16.5% of women aged 15-49 years.<sup>79</sup> Hormonal contraceptives and some other forms of modern contraception (intrauterine devices) require a doctor's prescription and, except when prescribed for health reasons in medically justified cases, they are not covered by public health insurance or otherwise subsidised within the social welfare system.

Graph 5  
Development of the use of contraceptives by women of fertile age



Source: 13 National Health Information Centre: Health Yearbook Year 2012.

236. Gynaecologists recorded 64,725 new pregnancies in 2012 for which pregnant women were given certificates of pregnancy. In 20,359 cases the pregnancy was classified high-risk or endangered.

Table 8  
Development of ambulatory care for women

Year	New pregnant patients total	New high risk pregnancies	New high-risk pregnancies from the total of pregnant women patients
2008	65 301	19 716	30.2
2009	66 695	24 805	37.2
2010	77 668	26 610	34.3
2011	72 142	19 888	27.6
2012	64 725	20 359	31.5

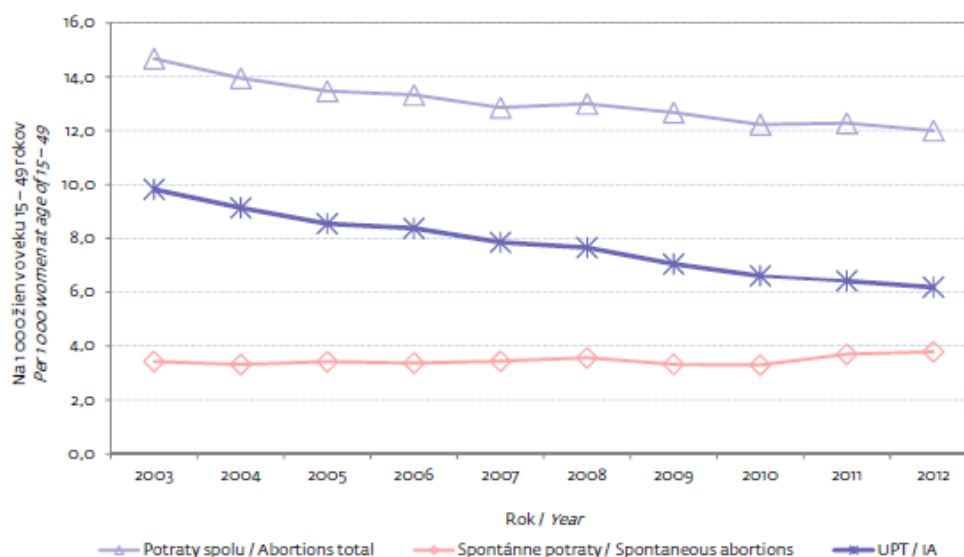
Source: 14 National Health Information Centre: Activities of gynaecology practices in the Slovak Republic 2012.

<sup>79</sup> National Health Information Centre: Health Yearbook Year 2012.

237. The number of pregnancies that ended in miscarriage or abortion was 16,362, which were 495 cases less than in 2011. For every 1,000 women of reproductive age there were 12 miscarriages or abortions. The number of miscarriages (spontaneous abortions) was 5,163, an increase of 1.6% compared to the previous year, but the number of induced abortions fell by 4.3% to 8,439. For every 1,000 women aged 15-49 years there were 6.2 induced abortions. The total miscarriage/abortion rate in 2012, i.e. the average number of miscarriages/abortions per woman during her reproductive life assuming unchanged level of fertility, abortion rates and zero mortality was 0.4. The average number of induced abortions was around 0.27. For every 1,000 women aged 15-49 years there were 12 induced abortions in 2012.

Graph 6

### Development of the overall rate of miscarriage and abortion



Source: 15 National Health Information Centre: Health Yearbook Year 2012.

## Article 13

### Social matters

238. All legislative and non-legislative measures in the Slovak Republic respect the **principle of the prohibition of discrimination** in accordance with applicable legislation. Individual measures are described in the articles dedicated to specific areas of public and economic life.

239. Act No. 650/2004 Coll. on supplementary pension saving and amending certain acts, as amended, refers directly to the Anti-discrimination Act. The Act on supplementary pension saving invalidates any provisions of a collective agreement relating to supplementary pension saving, an employer's agreement, a participation agreement or the statutes of a supplementary pension fund that are contrary to the principle of equal treatment.

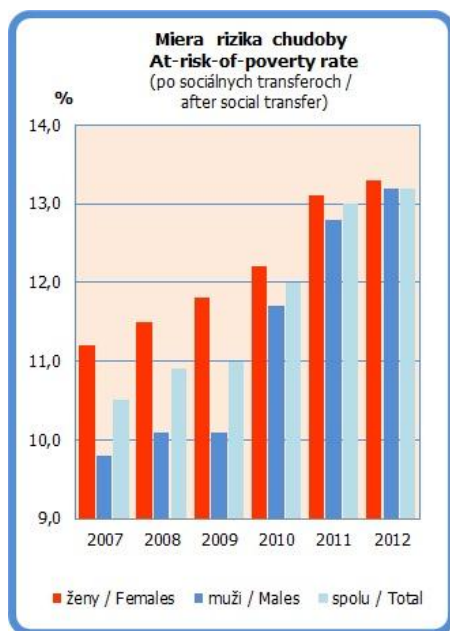
240. Old-age pension insurance covers citizens in old age, invalidity or after the loss of a breadwinner. Women predominate amongst the recipients of old-age and

survivor pensions while men more often receive invalidity pensions. For a transitional period women are continuing to retire earlier and on average they live longer, which means that they receive pensions over a longer period. The average man receives a larger pension than the average woman. In 2012 women received on average a 22.1% lower individual old-age pension than men. When old-age pensions paid in combination with a widow's pension are taken into account, the gender gap in old-age pensions is reduced to 15.8%. In the group receiving the lowest levels of pensions there are many more women than men and women's pensions are often less than the subsistence minimum.

241. Women greatly outnumber men as recipients of care in institutional social services facilities (by 26.4%) There are 2.2 times more women than men in facilities for the elderly. Men make more use of night shelters (2.4 times more than women), re-socialisation centres and refuges.

242. Women have a slightly higher **risk of poverty** than men (13.3% compared to 13.2%). In general, every additional child in a household increases the risk of poverty. **Incomplete households**, i.e. single-parent households with at least one dependent child, face a high risk of poverty (27.5%); the majority of such households are headed by women. On women's retirement after years of work and contributions to the pension system, the upbringing and care of children and the double burden of housework compared to men, women aged 65 years and over have 1.5-times the at-risk-of-poverty-and-social-exclusion rate of men in the same age group.

Graph 7  
**Risk of poverty by sex, after social transfers**



**Article 14****Rural women**

243. Equal opportunities (gender equality) and therefore also the elimination of discrimination against women are implemented as a horizontal priority in all operational programmes for the programming period 2007-2013 and in the Rural Development Programme of the Slovak Republic 2007-2013 and the Operational Programme Fisheries of the Slovak Republic 2007-2013, which are directly supervised by the Ministry of Agriculture and Rural Development. These issues affect the ministry's activities for the management and implementation of programmes co-financed from EU funds.

244. The implementation of agricultural policy takes into account benefits for the promotion of equal opportunities for all and support for equal representation of women and men.

245. Data from a survey of the living conditions of marginalised Roma households indicate that Roma women have much lower chances to find paid work than Roma men from the same environment. The problem of debt also contributes significantly to the long-term decline and extreme deprivation of Roma households in an excluded, segregated environment. This is not only a problem of loan sharks but also abuse of the difficult situation of Roma households from marginalised Roma communities by other subjects such as non-bank entities, banks, insurance companies, mobile operators and recovery enforcement officers (executors).

**PART IV****Article 15****Equality before the law**

246. Article 12 of the Constitution of the Slovak Republic declares that people are free and equal in dignity and rights. Fundamental rights and freedoms shall be inviolable, inalienable, secured by law, and unchallengeable. Fundamental rights shall be guaranteed in the Slovak Republic to everyone regardless of sex, race, colour, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status. No one shall be harmed, advantaged or disadvantaged on such grounds. Everyone can have rights (article 14 of the Constitution of the Slovak Republic).

247. The capacity for rights and duties and legal capacity are regulated by other laws, in particular Act No. 40/1964 Coll. Civil Code, as amended, Act No. 513/1991 Coll. Commercial Code, as amended, Act No. 455/1991 Coll. on trade licensing (the Trade Licensing Act), as amended, as well as the general provisions cited above from the Constitution of the Slovak Republic.

248. The Slovak Republic has adopted a number of new strategic and conceptual documents (see above in the report).

249. The principles of equal treatment and means of legal protection are laid down in Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and amending certain acts, as amended (the Anti-discrimination Act) and also apply to the **areas of old-age pension saving** (the second pillar) and **supplementary pension saving** (the third pillar). The prohibition of discrimination is

directly laid down in Act No. 43/2004 Coll. on old-age pension saving and amending certain acts, as amended (hereinafter the “Act on Pensions Savings”), according to which savers have rights in relation to old-age pension saving without any limitation or direct or indirect discrimination on grounds of sex, marital or family status, race, skin colour, language, age, health condition, religion or belief, political or other opinion, trade union activity, social origin, national or ethnic group affiliation, property, gender or other status. An amendment of the Act on Pensions Savings is in preparation which it is proposed should include a direct reference to the Anti-discrimination Act. The Anti-discrimination act requires that insurance companies paying out lifetime annuities as part of the old-age pension saving system must use mixed (unisex) tables to calculate the annuities. The use of such unisex mortality tables will generally have a positive effect on the determination of the pensions that women will receive because they live longer on average, i.e. all women will be able to receive a higher pension than they would if different mortality tables were used for men and women.

## Article 16

### Marriage and family life

250. Regarding the **Act on Family**:<sup>80</sup> compared with the information that the Slovak Republic provided on article 16 of the Convention in the previous report, no (more recent) amendments have been made in the given provisions of the Act on Family. Pursuant to Act No. 572/2001 Coll. on the organization of the activities of the government and the organization of the central state administration, as amended (the Competence Act) law on the conclusion of marriage and family status belongs to the competence of the Ministry of Interior. For completeness it should be noted that the rules on alternating care in the act have been amended by proposal of a member of parliament (Act No. 217/2010 Coll., effective 01 July 2010).

251. Pursuant to section 25 of the Act on Family, parents can **agree on rules for contact with a minor child** before the issuing of the decree dissolving their marriage; the agreement on parents’ contact with the minor child becomes a part of the decree of divorce. If the parents do not agree on rules for contact with a minor child pursuant to paragraph (1), the court will set rules for parents’ contact with the minor child in the decree of divorce; this shall not apply where the parents request that no rules be set for contact. *The court can limit or prohibit a child’s contact with a parent if this necessary for the child’s best interest.* If one of the parents prevents the other parent from having contact with the minor child repeatedly, without reason and deliberately, the court can change a decision on personal care of its own motion. The court can *set rules for a child’s contact with a close person* of its own motion if it is necessary for the child’s best interest and if it is required by relations in the family. For this section of the Act on Family the best interest of the minor child is paramount. The court can limit or prohibit a child’s contact with a parent *if this necessary for the child’s best interest.*

252. During the period under review, the legislative environment of the **Act on Family** was amended in connection with the determination of personal care of a minor child after his/her parents’ divorce. The amendment of the act that came into effect on 01/07/2010 increased the options relating to child care after a divorce or

<sup>80</sup> Act No. 36/2005 Coll. on investment assistance and amending certain acts entered into effect on 01 April 2005.

separation — a court can place a child in **alternating custody of both parents**, if both parents are capable of raising the child and both parents wish to provide personal care for the child, if it is in the best interests of the child and if this will better secure the child's needs. If at least one of the parents agrees with alternating custody, the court must investigate whether alternating custody is in the interests of the child. When deciding on the exercise of parental rights and duties and when approving agreements of parents, the court respects the right of minors to maintain relationships with both parents and always takes into account the interests of minors, in particular their emotional ties, their developmental needs and the stability of their future home environment, and also the ability of each parent to agree on their child's care and upbringing with the other parent. From 01/01/2012 a court can issue a temporary measure ordering a party to proceedings to deliver a child not only to the care of the other parent but also to the care of another person selected by the court or alternating custody. In this context, the offices of labour, social affairs and family, as authorities for the social and legal protection of children and social guardianship, provide children and their parents with psychological and social counselling and assistance in rectifying or mitigating the effects of conflicts of interest between parents and their child. The implementation of alternating custody of both parents has given rise to interpretation problems in practice and inconsistent application procedures that will be addressed by a planned amendment of Act No. 36/2005 Coll. on family, as amended, that the Ministry of Justice is currently preparing.

253. There is no need to amend legislation in connection with the problem of forced marriages because this area is adequately addressed in sections 14 and 17 of the Act on Family. Pursuant to section 14 of the Act on Family a marriage shall be null and void if the declaration of conclusion of marriage is not made freely, seriously, definitely and comprehensibly (in this case the legal act is absolutely nullified because free will is absent). A court can decide on the validity of a marriage on the proposal of either spouse. The right of a spouse to file suit to commence proceedings on the invalidity of a marriage pursuant to paragraph (1) shall expire one year from the date when he/she became aware of the grounds for invalidity of the marriage pursuant to paragraph (1).

254. The Slovak Republic is currently planning, mainly with reference to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the preparation of legislative measures to ensure that **proceedings to determine custody and visitation rights take into account any serious incidents of violence** against women and domestic violence and the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children. This will require an amendment of the Act on Family and the Code of Civil Procedure as currently in force.

255. The recodification commission for the Civil Code continues its work on the draft paragraph wording of the new Slovak Civil Code based on **the legislative intent of the Civil Code approved by Government Resolution No. 13 of 14 January 2009**, giving appropriate consideration to the need to reflect the international commitments of the Slovak Republic in the conception of its individual parts. Family law forms a self-standing part of this code. In the Framework Plan of Legislative Activities of the Government of the Slovak Republic for the Sixth Electoral Period, the Ministry of Justice was assigned the task to present the new paragraph text of

the Civil Code in the third quarter of 2014. This deadline has now been extended to 2015.

256. In July 2012 the minister of justice established **a recodification commission at the Ministry of Justice to prepare a new Code of Civil Procedure**. Government Resolution No. 283 of 05 June 2013 approved the legislative intent for recodification of civil procedure law. Point B.1 of this resolution determines that the Ministry of Justice shall submit draft acts based on the legislative intent for deliberation in session of the government by 30 September 2014. The aim of the proposed legislation is to provide more flexible mechanisms for judicial proceedings. Special sub-commissions are working on different areas.

257. A working group has been established to prepare a proposal to amend Act No. 36/2005 Coll. on the family and amending certain acts with reference to the Framework Plan of Legislative Activities of the Government of the Slovak Republic for the Sixth Electoral Period (task set for the second quarter of 2014). The aim of the amendment is to eliminate existing problems in the interpretation and practical application of various mechanisms, to increase the flexibility of these mechanisms and to reflect the objectives for protection of the family laid down in the government manifesto. A number of working meetings with judges who hear cases in this area took place at the Institute of Education of the Ministry of Justice at Omšenie during 2013.

258. On 01/01/2010 a new **Act on the Parental Allowance** (Act No. 571/2009 Coll.) entered into effect which, combined with the child care allowance established by Act No. 561/2008 Coll. allows parents to choose a form of care for their child in the first years of life that most closely corresponds to the current needs of the child and parents and which fully respects a parent's decision to care for his/her child in person or engage in gainful activity or participate in education at secondary or higher level. Under the new rules the state continues to support parents caring for children under the age of three years, or six years in the case of a child with a long-term adverse health condition or up to three years while the child is under six years of age, in the case of a child placed in care replacing parental care. The conditions of entitlement are that the parent provides due care for the child and that the parent is resident in the territory of the Slovak Republic. The eligible claimant is one parent, either the father or mother of the child, according to their mutual agreement even if they are not married, or the natural person in whose care the child is placed for substitute care by court decision (a substitute parent). Over the three or six year period the child's parents can "alternate" care. The amount of the parental allowance is adjusted each year from 01 January by the same multiplier used to adjust the subsistence minimum; as at 01/01/2014 the amount is EUR 203.20.

259. A parent caring for a child under three years of age who decides to return to work before the child reaches three years of age can choose whether to take a parental allowance or apply for a **child care allowance**, which is advantageous when a parent has multiple children under three years of age and child care is provided by a day care facility (e.g. a private or municipal crèche) monthly charges of which are greater than the parental allowance.

Table 9  
**Number of recipients of the parental allowance by sex**

Year	2007	2008	2009	2010	2011	2012	2013
Number of recipients of the parental allowance	135 083	134 050	135 374	138 830	141 846	142 274	142 904
– Of whom, men	2 743	2 558	2 514	2 889	3 235	3 131	3 193
– In percentage terms	2.03 %	1.91 %	1.86 %	2.08 %	2.28 %	2.20 %	2.23 %

*Source: 16 Central Office of Labour, Social Affairs and Family.*

260. In order to help parents to cover costs connected with providing for the urgent needs of a new-born child, parents are paid a **childbirth allowance**. With effect from 01 January 2009 the allowance is paid in two amounts, either EUR 830, if the allowance is paid for equipment for a child born in the first to third birth and EUR 151.37 for subsequent children. If multiple children are born at once, the childbirth allowance can be increased by EUR 75.69, and another single payment is made to the parents in relevant calendar years until the fifteenth birthday of the children born at the same time.

261. The state provides a **child allowance** towards the education and maintenance of a dependent child, at most until the child's twenty-fifth birthday. The child allowance is adjusted each year from 01 January by the same factor applied in adjustment of the subsistence minimum. With effect from 01 January 2014 the amount of the child allowance is EUR 23.52 per month. Besides the child allowance working parents can receive a monthly tax bonus for each dependent child; in this way the state increases the net income of parents with minor children. The tax bonus in the first half of 2014 is EUR 21.41 per month.

262. The Act on Income Tax includes support for parenthood through in the form of measures supporting family upbringing in particular tax relief in the form of the possibility to claim a tax allowance for a wife/husband who cares for a child up to three years of age and for an entitled person (a parent who lives with the child in a shared dwelling and satisfies the set conditions) a tax allowance of EUR 250 per year for a dependent child up to the age of 25 years, if the child is in systematic preparation for the practice of a future occupation through study (full-time education).

263. One of the major factors that worsen the situation of single-parent families is the high level of non-payment of set child maintenance. Enforcement procedures exist for the **recovery of child maintenance** and the Criminal Code defines breach of maintenance duties as a crime and supports recovery of maintenance through penalties of up to two years in prison for perpetrators who breach the duty to provide maintenance for a child (up to five years in more serious cases).

264. Slovakia also operates a system of advances on maintenance payments. A new act on advances on maintenance payments came into effect in 2008. The main change that it introduced was to make it easier for entitled persons to obtain advances on maintenance payments. Under this act, if the parent of a minor fails to pay maintenance in full within the period and by the method specified by a final court judgement or court-approved agreement for at least three consecutive months



from the payment of the last instalment of maintenance, the entitled person (the minor) is entitled to advances of maintenance payments on satisfaction of the conditions laid down by law. These conditions include the requirements that the eligible person has commenced an official procedure to recover maintenance arrears, that the procedure has lasted at least three months from delivery of the application for enforcement of recovery to the recovery enforcement officer (executor) and that the obliged person has not begun to pay maintenance. Advances on maintenance payments are paid at the rate of maintenance granted by a final court judgement or court-approved agreement, up to a maximum of 1.2 times the subsistence minimum for the minor.

265. Slovakia has a system of social assistance that acts as a safety net for people with little or no income and the provision of assistance is targeted at citizens in material need. Assistance in material need is paid in the form of benefit in material need, which is provided on six levels depending on the group of jointly assessed persons and allowances supplementing benefit in material need. In addition a single payment of benefit in material need can be provided to cover extraordinary costs of recipients of assistance in material need. The amount of benefit in material need and the allowances supplementing the benefit can be adjusted by government regulation with effect from 01 September of the calendar year. During the reporting period, the amounts of benefit in material need at all levels and housing benefit were increased in 2008. With effect from 01 September 2009 there was an increase in benefit in material need at all levels, in benefit for pregnant women from the start of the fourth month of pregnancy, benefit for a parent caring for a child under one year of age and benefit for a child who attends school regularly. With effect from 01 January 2014, benefit in material need was increased on all levels as part of legislative amendments of the provision of assistance in material need. A number of important qualitative changes in the **system of social and legal protection of children and social guardianship** supporting parental care came into effect from 01/01/2009. For example, to prevent the occurrence of crises in the family and to mitigate and eliminate their negative effects, if authorities for the social and legal protection of children and social guardianship, in the performance of their activities, find that a child or care-giver needs assistance because they are unable to cope with problems in the family, conflicts in the family or adapt to new situations in the family, or they find that the family has specific problems and it is not possible to prevent a crisis otherwise, the authorities shall provide or arrange mediation, i.e. a professional procedure for facilitating the resolution of conflicts in the family.

266. Slovak legislation fully reflects the recommendation **to prohibit corporal punishments** except that it does not expressly prohibit them within the area of family law, which is governed by the principle that parents have the right and also the duty to choose reasonable forms of discipline in bringing up their children. An express prohibition of corporal punishments was implemented in the social and legal protection of children and social guardianship by the amendment of the Act on social and legal protection of children and social guardianship of 01/01/2009. The Act on social and legal protection of children and social guardianship gives an exhaustive definition of “zero tolerance” for corporal punishments and other gross and humiliating treatment of children (“it is prohibited in the performance of measures under this act to use any form corporal punishment on a child or any other gross or humiliating form of punishment for a child, which causes or could cause him/her physical injury or mental trauma”). The above act requires everyone to

inform the authorities for the social and legal protection of children and social guardianship of any violation of the rights of the child. If the authorities for the social and legal protection of children and social guardianship receive a complaint regarding the use of gross or humiliating treatment or punishment of a child, or if, in the course of carrying out measures under this act, they become aware of their use by a parent or person providing personal care for a child, they must take measures pursuant to this act in accordance with the character and seriousness of the treatment or punishment. Children have the right to request assistance in protecting their rights from the authorities for the social and legal protection of children and social guardianship, another state body that is competent to protect the rights and legally protected interests of children, institutions, municipalities, self-governing regions, accredited subjects, schools, school establishments and health care providers, and all such bodies are obliged to provide children with immediate assistance in protecting their life and health, to take measures to ensure respect for their rights and legally protected interest, including by arranging such assistance. This applies also in the event that a child's age and intellectual maturity means that he/she cannot request assistance alone but needs the assistance of a third party.

#### Analysis of the existing situation and development trends

267. Birth and marriage rates and the increase in divorces are causing changes in the structure and size of families in the Slovak Republic. There is a decline in the share of complete families, i.e. families made up of a husband and wife or two cohabiting partners without children or with children (if adult children do not make a separate census household) and an increase in the share of single-parent families. According to data from the population and housing census in 2011, complete families accounted for 52.3% of all households in the Slovak Republic (in 2001 they accounted for 56.4%). In more than 80 cases out of a hundred, incomplete families in Slovakia are families made up of a single woman with a child or children. The proportion of families headed by single fathers was also larger in the 2011 census than in the previous one. The proportion of single-member households is comparable to 2001 at approximately 30% of all households. There has been an increase in the number of **informal cohabitations**, i.e. partners live together without getting married. In 2011 there were three times more such partnerships than in the 2001 population and housing census.

268. The trends in the development of demographic processes are then reflected in the **structure of the population by family status**. From demographic indicators it is clear that marriage and family continue to have a high status in the Slovak Republic. In recent times, however, there has been a change in some trends. People get married older and the average age of persons engaged to marry is rising. Following the same trend as births, the average age at which both men and women get married continued to increase in 2012, which indicates a certain change in the attitude of the young generation to marriage. The average age at marriage was 32.6 years for men and 29.6 years for women. The divorce rate was 42.1%, down 1.2 points from the previous year and 6.9 percentage points lower than in 2006, when it reached its highest level. A significant majority of children continue to be born within marriage but every year there is an increase in the number of children born outside marriage. In 2012 the percentage of children born outside marriage was 34.5% of all live births.

269. The main factors affecting the economic and social situation of all forms of families in the period under review were connected with the economic crisis. The

crisis slightly reduced gender differences in poverty in its first two years because the at-risk-of-poverty rate increased more for men than for women. **Without social transfers the crisis would have caused a larger increase in poverty rates for both women and men.** Redistribution was thus important for reducing gender gaps in poverty rates. On the other hand, indicators of long-term income poverty show that men got out of poverty faster and this raises questions about the adequacy of the anti-crisis measures, which in some ways were strongly focussed on male sectors of the economy.

Table 10  
**Overview of basic indicators of the economic situation of households in the Slovak Republic**

<i>Indicator</i>	<i>Women</i>	<i>Men</i>	<i>Gender gap</i>
At-risk-of-poverty rate (in %, 2011)	13.1	12.8	0.3
At-risk-of-poverty rate for seniors (in %, 65 years and over, 2011)	8.2	3.4	4.8
At-risk-of-poverty rate for incomplete families (in %, at least 1 child, 2011)	26.4		
At-risk-of-poverty rate for single-member households (in %, 2011)	16.8	23.7	6.9
Persistent income poverty rate (in %, 2010)	7.3	4.6	2.7
Material deprivation rate (in %, 2011)	23.1	20.8	2.3
At-risk-of-poverty and social exclusion rate (in %, 2011)	21.7	19.5	1.8
At-risk-of-poverty and social exclusion rate for seniors (in %, 65+ years, 2011)	17.8	9.2	8.6

*Source: 17 Report on the State of Gender Equality in Slovakia for 2012.*

270. **During the period under review poverty increased for working women and men.** Very low wages did not always provide protection against the risk of poverty. Furthermore, women make up a much larger percentage of workers in the lowest income groups, which is reflected in the fact that more female than male employees have an **hourly wage that is less than 2/3 of the average hourly wage in the economy.** A total of 14.6% of men and 23.7% of women were in this situation in 2010.

271. The overall reduction in household expenditure during the period under review, especially in the items for services and for care, point to an increase in women's burden of unpaid work, where a large gender gap already existed before the crisis. The increase in charges for social services or the inaccessibility of such services could have further increased the risk of women's exclusion from paid work.

272. A relatively pronounced worsening in the situation of single-parent households has been observed: the proportion of such households in income poverty increased from 20.9% in 2008 to 26.4% in 2011. This is the result of the accumulation of a range of disadvantages caused by parenthood, discrimination against mothers in the labour market and other structural barriers that increase the risk of the mother and child living in poverty without dignity. The growing percentage of incomplete

families below the poverty line indicates that social benefits and allowances are not providing adequate protection against poverty in many cases.<sup>81</sup>

273. The housing crisis has a major impact on the lives of the most vulnerable households, including single mothers and low-income households (in which women are very heavily represented). The risk of loss of housing and long-term loss of housing increased during the crisis. As a result of the rising price and costs of housing and the worsening situation in the labour market **single parent households headed by women often face the risk of losing their home**. Monitoring of social services has shown that emergency accommodation facilities are full of mothers with children who have either escaped from a violent partner or who are unable to pay housing costs and have been forced to seek emergency accommodation. Women who become homeless are often “invisible” because they make use of temporary solutions such as living with family, friends, a “special purpose partner” or random acquaintances.

274. **Feminisation of poverty in old age**. With women’s retirement after years of work and contributions to the pension system, the upbringing and care of children and the double burden of housework compared to men, women aged 65 years and over have double the at-risk-of-poverty-and-social-exclusion rate of men in the same age group. In 2012 women received on average a 22.1% lower old-age pension than men. When old-age pensions paid in combination with a widow’s pension are taken into account, the gender gap in old-age pensions is reduced to 15.8%. In the group receiving the lowest levels of pensions there are many more women than men and women’s pensions are often less than the subsistence minimum.

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<sup>81</sup> We would like to emphasise that the poverty line here is the relative line defined by the EU-SILC methodology. In 2011 it amounted to EUR 305 per month for an individual. At present the state guarantees minimum monthly pay of EUR 317 gross or EUR 274.50 net in 2011 (not taking account of the tax bonus and the employment premium).

## Annex

Table 11  
**Overview of fulfilment of the recommendations made in the Concluding  
 Observations of the Committee on the Elimination of Discrimination against  
 Women Slovak Republic, CEDAW/C/SVK/CO/4**

<i>Content of recommendation</i>	<i>Discussion in text</i>
Limited scope of anti-discriminatory legislation	16
Awareness-raising and training	73-86
Temporary special measures	16 48-2
National machinery for the advancement of women	23-30 39-43
National Action Plan	20-22
Cultural practices and education	73-86 166-177
Violence against women and trafficking	95-139
Roma women	183-184 211-217
Participation of women in political and public life	156-163
Employment	185-199
Health	218-226 173-175
Family relations	250-266
Non-governmental organisations	26, 28, 44-46