



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Sixty-second session

Summary record (partial)* of the 1360th meeting

Held at the Palais des Nations, Geneva, on Thursday, 12 November 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fifth and sixth periodic reports of Slovakia (continued)
(CEDAW/C/SVK/5-6; CEDAW/C/SVK/Q/5-6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Slovakia took places at the Committee table.*
2. **The Chairperson** invited the delegation of Slovakia to continue with their replies to questions put by Committee members at the previous meeting.

Articles 7 to 9 (continued)

3. **Ms. Pietruchová** (Slovakia) acknowledged that women's participation in the country's political life remained insufficient. Owing to their professional and family responsibilities, many women simply did not have the time to join political parties. Several campaigns had been conducted to encourage women to be more politically active. One positive result was that 30 per cent of Slovak members of the European Parliament were women. Progress had also been achieved at the local level, in particular with regard to independent candidates, a number of whom had won elections or had become members of city councils. While, in general, women were increasingly interested in participating in public life, many preferred to join civil society organizations rather than political parties.
4. Women made up one third of civil service staff and accounted for 43 per cent of senior positions in all ministries. In some ministries female directors outnumbered male directors. Many male politicians were more sensitive to gender issues than more conservative female colleagues. Women were increasingly well-represented in the judiciary. Four out of five top positions in the judiciary were occupied by women including the posts of president of the Constitutional Court, president of the Supreme Court, and chair of the Judicial Council. The only top position occupied by a man was that of Attorney General. The Attorney General was very sensitive to gender issues and had recently announced a plan to review all cases of domestic violence against women.
5. Slovak political parties did not support the idea of introducing a quota system and, in a democratic country, the Government could not force parliament to adopt a law to that effect. However, there were other possibilities for enhancing female participation in political life.
6. **Mr. Kollár** (Slovakia), referring to the representation of women in the diplomatic service, said that the numbers provided in the report were correct but that the situation was gradually improving. For example, three of the seven Directors General in the Ministry of Foreign and European Affairs were women. The fact that few women were posted abroad could be explained by women's unwillingness to move owing to their family situation. In particular, their spouses were not ready to follow them abroad because of their own careers. The Government provided support to families posted abroad, including assistance with the placement of children in international schools and with health insurance and pensions for spouses, but it could not cover the financial losses incurred as a result of the loss of the spouse's earnings. That also explained why there were more men than women among Slovak ambassadors.
7. **Ms. Haidar** asked why so little progress had been made towards greater participation by women in political and public life and whether the Government was

assessing the impact of the measures taken. She stressed that introducing a quota for women did not mean undermining democracy, and she invited the Government to consider the examples of other European countries that had successfully adopted a quota system.

8. **Ms. Pietruchová** (Slovakia) said that, in a democratic country, if the parliament was not willing to adopt a law, it was not possible to force it to do so. Given her country's history and its negative experience with quotas under the socialist system, Slovak political parties were opposed to their introduction. With regard to Roma women, she said that all the data collected on Roma women were anonymous. Personal data could not be collected as that would violate the right to privacy and the law on non-discrimination.

9. **Mr. Hero** (Slovakia) said that since the "Velvet Revolution" there had been two Roma members of parliament, one woman and one man. Of the five Government Plenipotentiaries for Roma Communities who had held office to date, two had been women. In addition, the Slovak Academy of Sciences was implementing a project aimed at raising public awareness of the importance of involving Roma in policies and programmes at the local, regional and national levels. A number of new positions had been created for Roma persons, including for teaching, health and social assistants, which were mostly occupied by Roma women.

10. **Ms. Acar** stressed that gender equality was a vital component of democracy and that the Slovak Government and politicians should consider the quota system as a temporary special measure that would help promote gender equality in the State party.

Articles 10 to 14

11. **Ms. Ameline** welcomed the efforts made by the State party to strengthen its education system but expressed concern about the segregation of Roma children in schools. Equal rights could only be ensured through equal opportunities, and education was best guarantee of emancipation and success, in particular for girls. Institutional discrimination against Roma children meant that Roma girls were not only victims of certain stereotypes but were also subjected to physical segregation. Did the Government believe that placing Roma children in separate classes or schools would help strengthen the Slovak social model and integrate Roma girls in the school system? Such practices were contrary to the Anti-Discrimination Act.

12. She enquired how the Government was addressing the needs of children with disabilities. Information on the steps taken to encourage greater participation in that regard by local authorities, including through the European Social Fund, would be welcome. On the subject of sex education, she wondered whether the ideological controversy mentioned in the State party's report (CEDAW/C/SVK/5-6) was now over, and whether the linking of sexuality and marriage in that context might be seen as an example of stereotyping.

13. **Mr. Bruun** expressed concern that the wage gap between men and women was still considerable, at almost 20 per cent in the private sector. There was also significant horizontal and vertical segregation on the labour market. What steps was the Government taking to tackle that problem?

14. Another concern was the difficulty in reconciling family and working life owing to persistent gender stereotypes. Did the Government plan to introduce paternity leave, expand public childcare services and introduce tougher sanctions for employers who discriminated against or unlawfully dismissed employees on maternity-related grounds? He would like some information on the budget allocated to childcare facilities.

15. Pointing out that, in 2012, the Committee on Economic, Social and Cultural Rights had expressed concern about the high incidence of sexual harassment in the workplace in Slovakia (E/C.12/SVK/CO/2), he asked how many cases of harassment had been handled by labour inspectors and the courts and what preventive measures had been adopted. Information on the outcome of cases of wage discrimination handled by labour inspectors, and on any compensation paid, would also be useful. Had the situation improved in that regard? What methodology was used by labour inspectors when addressing the issue of equal pay for work of equal value? It would also be useful to know whether labour inspectors were trained to detect discrimination in the workplace and what steps had been taken to continue raising their awareness of the need to ensure equality and non-discrimination. Information on the training currently provided to inspectors, including on the implementation of the Convention, would be welcome.

16. According to a 2014 report by the European Commission against Racism and Intolerance, Roma women had limited access to employment, partly as a result of poor access to education, a lack of help in finding work, and persistent discrimination. What measures was the Government taking to deal with the marginalization of Roma women on the labour market and what was being done in that regard in the framework of the Strategy for Roma integration to 2020?

17. **Ms. Pimentel** asked whether research had been conducted into the causes of the high rates of infant and maternal mortality, teenage pregnancy and sexually transmitted diseases, including HIV/AIDS. What were the main obstacles to the adoption of a comprehensive human rights-based programme on sexual and reproductive health and what was the Government doing to overcome those obstacles?

18. She enquired what institutional and administrative measures were being taken to prevent the recurrence of practices of sterilization, in particular in rural areas. Did the Government plan to thoroughly investigate all cases of sterilization and provide clear guidelines and systematic training for health personnel, in particular on the importance of informed consent? She requested information on measures to facilitate access to affordable, modern methods of contraception and to abolish the legal ban on public health insurance coverage of contraceptives.

19. She expressed concern about the inclusion of new procedural requirements in the law on abortion, including a mandatory 48-hour waiting period and compulsory counselling prior to abortion, and the obligation on medical staff to inform State authorities. Such requirements could put women's privacy and dignity at risk. With regard to the issue of conscientious objection by health-care professionals to performing abortions, she stressed that there was a difference between conscientious objection by an individual, and by an institution. Had the Government considered prohibiting institutions from refusing to treat a patient? How was abortion monitored?

20. **Ms. Korkošová** (Slovakia) said that considerable progress had been made towards building an inclusive education system and improving the enrolment rate of Roma students. Teachers had received specific training on the issue of discrimination against Roma and extracurricular activities had been organized with a view to encouraging more Roma children to complete their basic education. Steps had also been taken to tackle negative gender stereotypes and promote gender equality within the national school curriculum, including through the introduction of lessons on marriage and family life, which covered topics ranging from raising children to sexuality and sexual health.

21. **Mr. Hero** (Slovakia) said that the Government had amended the provisions of the Education Act in 2015 in order to clearly define the concept of inclusive education and prohibit segregation of Roma students. Children from disadvantaged families,

who had special educational requirements, would no longer be sent to special schools, which would now be reserved solely for children with disabilities.

22. **Ms. Pietruchová** (Slovakia) said the gender pay gap had narrowed over recent years and currently stood at around 18 per cent. However, women's participation in the labour market remained unsatisfactory and targeted efforts would be required to make further progress towards gender parity. At present, women continued to work in low-paid jobs and earned 30 per cent less than their male counterparts in senior or management positions. In an effort to address persisting gender inequalities in the workplace, the Government had recently raised the minimum wage to €400 per month and had introduced a national programme offering incentives for companies that established flexible working arrangements and childcare facilities. In addition, around €30 million of the national budget had been allocated to increasing the number of flexible childcare places and the childcare allowance for working parents had been raised to €280 per month.

23. There were currently no exact figures available regarding the number of cases of sexual harassment in the workplace. However, sexual harassment and discrimination had been defined as offences under the Anti-Discrimination Act and various complaints mechanisms had been made available for victims. Labour inspectors also produced annual reports on discrimination and gender equality, which could be provided to the Committee at a later date. In 2013 they had found 44 cases of unequal pay and 733 violations of the work-life balance for working parents. Some €100,000 of the national budget had been allocated to conducting further awareness-raising and training activities for labour inspectors on gender discrimination and harassment in the workplace and a new national scheme would shortly be introduced to provide counselling and support for women victims of sexual harassment and discrimination. Numerous incentives had been created to increase Roma women's access to the labour market.

24. **Ms. Rozborová** (Slovakia) said that the forced sterilization of Roma women had been prohibited and guidelines and training had been provided to health-care personnel to prevent any recurrence. The Health-Care Act had been amended so that doctors were obliged to fully explain medical procedures in clear, simple language that patients could understand. Patients were also required to provide informed consent in writing before any sterilization procedure could be performed. Information regarding the concept of informed consent and a written informed consent template had been made available in Slovak and other national minority languages to avoid any ambiguity or misunderstandings in future.

25. **Ms. Pietruchová** (Slovakia) said that no comprehensive national programme on sexual and reproductive health had yet been adopted as consensus between the various stakeholders could not be reached. Contraception was provided free of charge by the public health insurance system only in the case of very specific medical conditions. However, a large variety of modern contraceptive methods were readily available to women, with the cheapest costing approximately €3-4 per month. Women from particularly disadvantaged backgrounds could apply for free medical treatment including contraception where necessary. Efforts had been made to improve the health of Roma women and health visitors travelled to rural and remote areas to provide women with advice and health-care information.

26. Despite initial concern, the use of conscientious objection by health-care professionals had not restricted women's rights to sexual health and family planning services. Abortion was widely available at a number of clinics throughout the country, and the short 48-hour waiting period was required to enable pre-operative procedures to take place. Obligatory information was provided prior to abortion, as for any other medical procedure, and was intended to convey the essential facts, including possible

complications and alternatives. Medical professionals were not, however, permitted to attempt to unduly influence or pressure women in those situations.

27. **Mr. Filčík** (Slovakia) said that medical experts within the Ministry of Health had reviewed the records of some 3,500 patients who had undergone sterilization over the previous decade and had concluded that those procedures had been conducted in line with medical needs. He stressed that the European Court of Human Rights had not required the Slovak authorities to launch criminal proceedings in any of the cases it examined, nor had it proved that such sterilizations had been part of an organized policy or that medical staff had acted out of racial bias or discrimination. For that reason, it was not considered necessary to launch further investigations into past cases of sterilization.

28. **Ms. Pimentel** said that she would welcome clarification on whether abortions after 12 weeks were permitted in cases of rape and whether such procedures were covered by public health insurance. While the data provided on sexual and reproductive rights was welcome, it was clear that a more systematic process of data collection was needed. In that connection, she wondered whether the State party had considered creating a monitoring mechanism to verify that the mandatory waiting period before an abortion was being observed and to ensure that the information and counselling services provided to women in no way pressurized them into continuing with the pregnancy. Reports had suggested that women were indeed subjected to undue pressure, which, if true, would be an unacceptable violation of their rights and dignity. Had the State party considered what impact carrying an unwanted pregnancy to term or raising an unwanted child had on the lives of both woman and child?

29. **Mr. Bruun** said that, according to reports received by the Committee, the outcome of the cases investigated by labour inspectors was invariably a finding of no discrimination. He asked whether that might be a symptom of legislative inadequacies. Could it be that the rules on the burden of proof were not in line with European Union standards?

30. **Ms. Ameline** said that she wished to know whether the State party had a plan of action or specific measures and funding for municipalities to ensure that all children, irrespective of their family background, could go to school.

31. **Mr. Hero** (Slovakia) said that the action plan for health was in the process of being updated and would include analysis of the obstacles faced by Roma communities and improvements to data collection. Similarly, other strategies were being amended or developed to ensure equal access for Roma to education and the labour market. Particular efforts would be made to increase the number of Roma children in preschool education so as to prepare them for primary and secondary education.

32. **Ms. Pietruchová** (Slovakia) said that information on cases investigated by labour inspectors could be provided to the Committee in writing. It was true that, under the labour laws, the burden of proof lay with the inspectors but it had not yet been possible to reach agreement on amendments to the law. Even so, cases of serious discrimination could be tried in court under the Anti-Discrimination Act.

33. Regarding abortion, she said that the Ministry of Health was not aware of any cases in which health professionals had pressured women into continuing with their pregnancies. Indeed, such conduct would be a clear breach of the law and should be reported through the appropriate complaints mechanism. The law provided that an abortion could be requested within the first trimester without having to give a reason. Information on the provisions for victims of rape would be provided in writing.

34. **Ms. Pomeranzi** said that she would welcome further data on the gender profile of those living in poverty in Slovakia. She asked whether any poverty reduction measures aimed at older women, who were particularly at risk of poverty, were in place or envisaged. Were any temporary special measures planned to encourage women entrepreneurs?

35. She asked how the State party ensured that rural women could participate in decision-making processes in rural society and gain access to credit, land management and tertiary education; whether a comprehensive policy, with a specific budget line, on preventing discrimination against Roma women could be drafted in cooperation with their representative organizations; and what concrete measures had been taken to combat and prevent racially motivated offences, particularly for women at risk of multiple forms of violence and discrimination, such as migrant women and girls. Lastly, in the light of reports that transgender women were the target of homophobic attacks and suffered discrimination when trying to change their legally recognized gender, she asked whether any measures existed to prevent and prohibit those offences and to ensure that transgender women had access to health-care services.

Articles 15 and 16

36. **Ms. Halperin-Kaddari**, referring to a recent legislative amendment that seemed to favour “alternating”, or shared, custody of a child, even in highly conflictual cases, said that there was a growing body of evidence that children’s development was negatively affected by shared custody arrangements in such cases. Moreover, shared custody often resulted in little or no child support, which also impacted upon the child’s development. She wished to know why that amendment had been introduced and whether any follow-up research had been conducted on children in such situations. She also requested an update on the status of the legislative measures envisaged to ensure that proceedings to determine custody and visitation rights took into account any history of serious domestic violence.

37. Turning to the economic consequences of divorce, she asked for clarification on what constituted joint property and whether company shares, future earning potential, severance payments and pensions were also taken into consideration. In that connection, and drawing the delegation’s attention to the Committee’s general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution, she said that she wondered whether the State party intended to make allowance in the law for the fact that family responsibilities often had a greater impact on women’s earning potential than on men’s. Lastly, she urged the Government to take action to address the lack of safeguards for, and recognition of, the rights and economic rights of women in de facto unions.

38. **Ms. Pietruchová** (Slovakia) said that, while retired women were at increased risk of poverty, women living on pensions were likely to be better off in the long run since their life expectancy was longer and they were entitled to receive a widow’s pension in addition to their own old-age pension, upon their husband’s death.

39. While there were no current plans to introduce temporary special measures to support women entrepreneurs, women were covered by existing programmes aimed at supporting disadvantaged groups wishing to start their own businesses. The Committee for Gender Equality included Roma representatives, and the Government was always open to discussion and cooperation with Roma women’s NGOs. While there were relatively few migrant women in Slovakia, a legislative amendment had recently been introduced to create specific measures for disadvantaged groups; further information on that point would be provided in writing.

40. As far as shared custody was concerned, if gender stereotypes were to be eliminated, then it was important to recognize that men were often at a disadvantage when it came to parental rights. In the overwhelming majority of cases, it was women who were awarded custody. An amendment to the Family Act had introduced the principle of the best interests of the child in cases of divorce, with due consideration being given to the risk of violence.

41. **Mr. Filčík** (Slovakia) said that the principle of the best interests of the child had been incorporated into family law and would take effect from 1 January 2016. The courts had a duty to assess the implications of shared custody where at least one parent requested it. Hate crimes were covered extensively in the Criminal Code, and more severe penalties could be applied for offences motivated by a person's race, nationality, religion, sexual orientation or, from 1 January 2016, gender. Moreover, an action plan for lesbian, gay, bisexual, transgender and intersex (LGBTI) persons had been drafted and had recently been submitted for public consultation. Representatives of the LGBTI community had met with government ministers and medical professionals to discuss improving access to health care as well as drafting a methodology for health professionals in line with modern standards.

42. Under the Civil Code, all property in a marriage could be deemed shared assets, except certain items such as gifts, inherited assets or those acquired prior to marriage. Regarding company shares or other business assets, the courts would have to decide on a case-by-case basis, since it would depend on when and how such assets had been acquired. There was no strict provision in law.

43. **Mr. Rosocha** (Slovakia) said that the general spirit of openness and constructive criticism during the dialogue had been appreciated. His Government appreciated the shadow reports submitted by NGOs. He looked forward to receiving the Committee's concluding observations.

The discussion covered in the summary record ended at 5 p.m.