



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

Distr.: General
1 February 2002

Original: English

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

Summary record of the 389th meeting

Held at Headquarters, New York, on Monday, 29 June 1998, at 10 a.m.

Chairperson: Ms. Khan

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The meeting was called to order at 10.15 a.m.

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

Initial report of Slovakia (continued)
(CEDAW/C/SVK/1 and Add.1)

1. *At the invitation of the Chairperson, Ms. Suchankova, Ms. Vranova and Mr. Jejevica (Slovakia) took places at the Committee table.*

2. **Ms. Suchankova** (Slovakia), replying to the questions posed earlier by the Committee, said, with regard to the impact of the country's economic transition on the lives of Slovak women, that the main problems were financial and stress-, employment- and health-related. Among the advantages of the current regime were the greater civil and economic freedom which women enjoyed and the increased opportunities for their personal development. Non-governmental organizations were now also allowed to carry on valuable work in such fields as human rights and education. At the grass-roots level, new social legislation eliminated State paternalism and built on the personal responsibility of individuals for their own destiny.

3. With reference to article 2 of the Convention, a National Action Plan for Women had been elaborated jointly by governmental and non-governmental bodies and organizations. Among the priorities of the National Action Plan were to provide equal opportunities for women within the family, in employment and in society; to eliminate the economic disadvantages that were responsible for the material poverty of women; to create the conditions for the protection and improvement of women's health; to create the conditions for eliminating violence against women; and to create employment opportunities for disadvantaged women, including the Romany minority.

4. With regard to the incorporation of the provisions of the Convention into Slovak national law, article 11 of the Constitution of Slovakia stipulated that international agreements on human rights and fundamental freedoms which had been ratified by the Slovak Republic and promulgated in the manner specified by the law should take precedence over national legislation, provided that they broadened the scope of fundamental rights and freedoms. It was for the courts of Slovakia to determine the extent and

scope of protection of the fundamental rights and freedoms provided for in international agreements and to apply the relevant provisions. In that connection, the Constitutional Court had in several cases invoked the provisions of international human rights instruments when ruling on issues involving fundamental rights and freedoms.

5. The Convention had been promulgated in the Collection of Laws, a public document which was available in every public office and library. The text of the Convention had also been published by the Slovak National Centre for Human Rights in a collection of documents on human rights.

6. With regard to judicial and other protection of women, the Constitution provided that any person could claim his or her rights before an independent court. Courts were also empowered to review government decisions concerning fundamental rights and freedoms. In addition, persons had a right to compensation for damage caused by an illegal decision of a court or other State authority. The Constitutional Court executed decisions taken by international authorities concerning the protection of fundamental rights and freedoms. It should be noted, however, that the Constitutional Court had not dealt thus far with any case involving discrimination as set forth in the Constitution.

7. With regard to the independence of the courts, judges were bound only by the Constitution and laws of Slovakia and, within the limits set forth by the law, also by those international agreements to which Slovakia was a party. The independence of judges was not affected by the fact that the State was responsible for the administration of the courts. The Government was well aware of the importance of an independent judiciary to the safeguarding of the interests of society and was preparing draft legislation to strengthen its independence still further. The Slovak National Centre for Human Rights had been established by law in 1994 to assist in the preparation of legislation for the protection of human rights, enhance public awareness of such rights and provide advisory services to non-governmental organizations active in the field of human rights in Slovakia.

8. The law permitted the interruption of pregnancy provided that the decision was freely made by the woman and the interruption was executed by a doctor in a medical facility following a medical examination.

Any attempt to interrupt the pregnancy of a woman against her will was characterized as a crime and was punishable under the Penal Code of Slovakia.

9. While the activity of prostitution was not a crime, it could be carried out only in certain premises after certain conditions had been met and a license obtained. Benefiting from prostitution, on the other hand, was characterized as a crime under the Penal Code.

10. A Coordination Committee for the Problems of Women (CCPW) had been established by the Government in March 1996 to advance the interests of women in all spheres of society and to serve as a focal point for women's issues. A Parliamentary Women's Commission had been established that same year to advance the interests of women in parliamentary negotiations. Also, a Gender Centre jointly funded by UNDP and the Government of Slovakia had been set up in 1997 to teach NGOs working with women how to design projects, raise money for them and exchange information on foreign foundations.

11. Consideration was currently being given to the establishment of an office of ombudsman for women's rights as an effective and low-cost mechanism for promoting human rights and taking some of the burden off of the judicial system. The experience of the Swedish Ombudsman was being studied in that regard.

12. She agreed with the Committee's observation that the same legislation did not necessarily guarantee equal opportunities for all. Slovakia had adopted a number of positive discriminatory measures to facilitate the return of women to the labour market upon the expiration of their maternity leave. The issue of making the retirement age for men and women equal was a very sensitive one. Highly educated, professional women supported the proposal, but women working in production plants and in manual jobs were opposed to it.

13. Responding to questions posed with reference to article 5 of the Convention, she noted that the people of Slovakia preferred long-term traditional relationships, marriage and parenthood. Mothers played a very important role in family relations and the overall position of the family was similar to that of an Italian or Spanish Christian family. The 50 years of communism had enabled women to assert themselves in the labour market, but had not freed them from work in the home. With the advent of democracy, women had become more active in non-governmental organizations

which were involved in the drafting of pro-family legislation. Increased attention was also being paid to the role of the father in the family and to changing the stereotypical image of women that was often portrayed by the media.

14. With regard to the substance of the crimes defined in the Penal Code, chapter 204 (pimping) of the Code provided for a term of imprisonment of up to three years for any person found guilty of hiring, motivating or corrupting another person for prostitution or of exploiting the prostitution of others. The original characterization of the crime in the Penal Code had been modified in 1994 to take into account the increasing internationalization of procurement.

15. Rape was punishable by 2-8 years' imprisonment, 5-12 years if it involved serious damage to the victim's health, if it was committed against a person under the age of 15 or if it resulted in the victim's death. Any sexual relations with a person under the age of 15 were punishable by 1-8 years' imprisonment; the penalty was 2-10 years if abuse of authority was involved, 5-12 years if the victim's health was seriously harmed and 10-15 years if the act resulted in the victim's death.

16. The most frequent forms of violence against women and girls were rape and damage to health; child abandonment, abuse of custody and restriction of personal freedom all came under the latter category. Neighbours were often unwilling to testify in cases involving violence within the family and charges were often withdrawn by the victims, particularly since perpetrators were generally allowed to return to their homes pending prosecution. The absence of corroborating testimony made it difficult to prosecute such cases and, under the Penal Code, prosecution required the victim's consent and must be terminated if consent was withdrawn. Assistance to victims was provided by non-governmental organizations (NGOs) and by institutions represented in the Coordination Committee for the Problems of Women (CCPW), whose National Action Plan for Women included measures aimed at eliminating violence against women, providing shelters for women and children, sponsoring behaviour modification programmes for aggressors and establishing hot lines for victims of violence. The new social assistance act also addressed the problem of domestic violence. Social services included a centre for counselling and psychological services and 23 shelters for single parents of at-risk

minors, and measures had been taken to protect children from physical and sexual abuse.

17. The penalties for trafficking in women were outlined in the annex to the text of the initial report of Slovakia of 1995 (CEDAW/C/SVK/1/Add.1, p. 15). The draft penal code would clarify the definitions of procurement and pimping. The Slovak Republic was cooperating with other European countries in the fight against organized crime and had designated special police investigators to handle that problem. Victims could request compensation and, if the accused was convicted, the Court incorporated payment of compensation into the sentence. However, there were no statistics on the number of such requests.

18. Prior to 1989, a quota system had ensured women's representation in Parliament; elimination of the quota system had resulted in a marked decline in the percentage of women in public office. Women themselves lacked confidence in the competence of female candidates and were unwilling to vote for them. In preparation for the September 1998 elections, CCPW had challenged political parties to increase the number of women on their lists of candidates and to nominate them for more prominent posts.

19. Although the total number of lawyers in the Slovak Republic had increased, the percentage of women lawyers was no greater than it had been previously.

20. Freedom of association, including the right to join organizations, was guaranteed under the Constitution. The Ministry of the Interior could, however, refuse to permit the registration of any organization whose statute violated the Constitution, domestic legislation or international conventions to which the Slovak Republic was a party. It could also order the dissolution of any organization that persisted in an activity that was not in accordance with its articles of organization. Denial of registration and orders of dissolution could be appealed before the Supreme Court. The country had 12,500 civil organizations, 35 of which had been founded by women.

21. There were currently 75 girls' secondary schools which emphasized business services, household management and nursing; although boys were permitted to enrol, few had done so. Efforts were being made to encourage girls to study technical subjects. At the university level, girls accounted for 63 per cent of all students in the humanities but only 28 per cent in

the technical fields. As in many countries, girls who had studied technical subjects often took jobs in other fields. No gender quotas had been established to foster interest in non-traditional studies at the secondary level, but scholarships were available for students of either sex. Boys and girls with an aptitude for technical study were encouraged to enrol in such courses, but the final decision was left to the student. Women currently occupied 73.65 per cent of senior university posts, and a Women's Studies major had been established at Comenius University in Bratislava.

22. Although the Labour Code guaranteed the right to work and to protection against gender discrimination, there were certain types of employment, such as mining and tunnelling, from which they were barred on physiological grounds. During pregnancy and for nine months after childbirth, women were barred from certain types of work and were entitled to rest periods, special working hours, breaks for breastfeeding, travel restrictions and protection against dismissal; they were also prevented from working overtime. If they had to be reassigned they suffered no loss of wages and could return to their previous post, or an equivalent one, at the end of their maternity leave. Women over the age of 18 could perform certain forms of night work, subject to trade union approval, provided that they were not pregnant or caring for a child less than one year old. The draft labour code would extend the period of parental leave and job protection until the child reached the age of five and abolish the prohibition against night work for women.

23. The unemployment rate was currently 13.42 per cent for women and 12.94 per cent for men. The Government was endeavouring to reduce unemployment, particularly among women with children under the age of 15, women over the age of 40, recent graduates and women with only a primary school education. Not only did the Employment Act include measures to encourage employers to hire women, but the Government was looking at possibilities for shortening the work week and work day in sectors employing large numbers of women, so as to enable a higher percentage of women to work. It had accepted a draft act on labour inspection, with a view to increasing the protection of employees.

24. Article 33 of the Constitution prohibited any discrimination on the basis of membership of a national or ethnic group thereby strengthening the protection afforded by article 12 of the Constitution, which

guaranteed fundamental rights and freedoms to all persons without distinction. Article 13 provided that everyone had the right to decide freely on his or her nationality. The members of the 10 national minorities in the Slovak Republic lived in integration with other ethnic groups.

25. In schools in which the language of instruction was the language of one of the national minorities there were three possibilities: instruction exclusively in the language of the minority; bilingual instruction, in both mother tongue and State language; alternatively the mother tongue could be taught as a separate subject, while all other subjects were taught in the State language.

26. Finding employment for Romany citizens was difficult because of their lack of skills and education. Her Government was endeavouring to assist them; it provided support to business people from the Romany population, and organized courses in traditional Romany crafts. Romany citizens were placed mainly in the building industry and public works.

27. Working parents who needed to stay home to look after a child under the age of 10, either because the child was sick or because the school was closed, could obtain benefits. The benefit was granted for up to 7 working days (13 working days in the case of a single parent). Child benefits were provided to parents with dependent children, provided their income did not exceed the statutory limit. The amount of the benefit depended on the child's age. Additional child allowances were granted where the child was handicapped or disabled. All parents in situations of material or social hardship who met the statutory conditions were accorded social assistance in the form of counselling, social and legal protection, social services, benefits and allowances, including nursing services and care in social service facilities. Care was provided for children from the age of 2 to school leaving age whose parents were temporarily incapacitated.

28. Industrial regulations and employment inspections ensured non-discriminatory labour conditions. Inspections were conducted by the Ministry of Labour, Social Affairs and Family and the National Labour Office, and penalties were imposed on employers who violated their obligations. Sexual harassment at work would be taken up in the new labour code.

29. On 1 July 1998 a new act on social assistance would come into effect. The objective was to relieve material or social hardship, by granting a social assistance benefit to persons whose income was below the minimum wage or who had a serious disability; the amount of the benefit would depend on the circumstances.

30. Following an initiative of the Ministry of Labour, Social Affairs and the Family, regular statistical surveys of wages, prices and labour costs were being conducted. In 1992, information systems on the price of labour and on average income had been introduced at the national level. An analysis of the data on average income had revealed that men's incomes tended to be higher than women's incomes, not because women were paid less than men for doing the same work but because of differences in the structure of occupations and because of the tendency to allocate less demanding work to women within the same occupation. The role of the Government was limited, but it systematically checked the employer's compliance with wage regulations and monitored changes in labour costs on a quarterly basis. The new Labour Inspection Act increased the protection of employees; collective bargaining also assisted in the protection of women's rights.

31. The minimum wage was established at a level of 3000 Sk irrespective of sex and sector of the economy, and for both public and private sectors. The level was negotiable between employers and trade unions.

32. On the question of women in business, by the end of 1996 3.2 per cent of working women and 8.4 per cent of working men were engaged in private entrepreneurial activities. Over the past four years the number of female entrepreneurs had risen by 18.2 per cent, while the number of male entrepreneurs had decreased by 3.7 per cent. The majority of women entrepreneurs was involved in trade.

33. The employer was obliged, under the Labour Code, to allocate appropriate work to a pregnant woman or new mothers who normally engaged in hazardous work, and without any loss in pay; if the pay was lower, an equalization allowance was granted to make up the difference. The equalization allowance was a sickness insurance benefit; it had no negative effect on a woman's career.

34. The earlier retirement ages that had been established for women, depending on the number of

children they had brought up, were designed to resolve pension claims; they were not a discriminatory measure. Eligibility for old age pensions was the same for men and women; a person was eligible for an old age pension if he or she had been employed for at least 25 years and had reached the age of 60. There was no set retirement age. The amount of the pension, and other pension benefits, depended on the length of service and level of income.

35. In addition to other types of assistance, employed mothers were entitled to assistance in the form of social security, which included pensions, sickness benefits, State social benefits and social assistance. Under article 39 of the Constitution, the inhabitants of Slovakia had the right to adequate material security in cases of incapacity to work; pursuant to article 41, parents caring for children were entitled to receive assistance from the State.

36. Her Government had submitted to Parliament a bill to provide allowances at the birth of a child, and on the birth of twins. The allowance would be changed from a sickness insurance benefit into a State social benefit financed from the State budget. If a woman applied for an extension of maternity leave, the employer was obliged to grant it to her up to the time when her child reached the age of two; during that time the woman was accorded the State social benefit. The benefit was also granted to women who were not employed but met the stipulated requirements. A parent was eligible for a parental allowance if he/she provided full-time care for at least one child up to the age of 3, or for a handicapped child up to the age of 7. The allowance was granted only if the parent was not in receipt of wages or other income or of sickness insurance benefits; under certain conditions, the allowance could be granted also to a parent engaged in earning activities.

37. With regard to pre-school facilities, after 1990 most crèches had been abolished because of lack of funds on the part of municipalities, and many factories had closed their pre-school facilities. The State had reacted to the situation by lowering the age of acceptance to kindergarten to 2; since 1997 children under 2 had been admitted provided that they fulfilled the necessary requirements. The number of kindergartens had started to increase again, and new types of kindergartens, such as religious and private kindergartens, had started to emerge. The network of kindergartens was sufficient, except for some areas of large towns.

38. Reform in the health sector had been implemented without any dramatic impact on the population. The principles of equality in the provision and accessibility of health services had been maintained. Slovakia had succeeded in making the transition from a tax-based system of financing to plurality and a decentralized system of health insurance. The privatization of health services had enabled doctors to leave the State sector without a negative impact on the accessibility of health services. Slovakia had inherited a comprehensive network of medical facilities, which had remained accessible to all people on an equal basis. Equality in the financing of health care had been achieved through the insurance system.

39. Education in family planning was a component of curricula at all basic schools, which were attended by Romany people as well. All women had free access to counselling on family planning. The number of abortions had been decreasing as a result of education, awareness-raising and access to modern means of contraception. The availability of legal abortion had eliminated mortality resulting from abortion. Abortion was not considered a means of contraception.

40. The incidence of tuberculosis had stabilized as a result of long years of successful vaccination; the incidence was 33.5 cases per 100,000 inhabitants for men, and 22.8 cases per 100,000 inhabitants for women.

41. No group of inhabitants was excluded or discriminated against. All inhabitants had equal access to health care. Mandatory health insurance guaranteed accessibility to health care for lower income people as well. Sterilizations had never been performed under pressure or threat; the payment was covered by the applicant. Up to 1989, financial incentives had been given to encourage sterilization, but such incentives were no longer offered.

42. The National Agency for the Development of Small and Medium-sized Enterprises had established a network of advisory and information centres, one of which provided guidance and advisory services to enterprises run by women. The agency also provided small loans to women entrepreneurs. State counselling centres organized courses for awareness-building among women, to assist them in applying for positions in businesses or starting their own businesses.

43. Privatization had had a negative impact on women's employment. The majority of rural women

worked in agricultural cooperatives. The decrease in employment had forced them to go farther afield in search of work or to start their own businesses. The labour offices organized business courses for unemployed women. Women had the same rights as men to own land and to acquire property.

44. In sociological surveys, women and men evaluated their share of household chores and childcare differently. Men tended to overestimate their share of household duties; however, men were participating increasingly in childcare, and that was a determining factor in the Government's family policy.

45. The division of family property after divorce was regulated by the Civil Code. Common property of a married couple included everything acquired by either spouse, with the exception of property acquired as a gift or inheritance, and property for personal use or for carrying out an occupation. Common property ceased to exist on termination of the marriage, and was apportioned by agreement or by decision of the court. The settlement was based on the principle that the shares of both persons were equal; the needs of minor children were also taken into consideration.

46. **Ms. Ryel** noted that Slovakia had created a functional framework for the promotion of gender equality and women's issues but that it was still too early to judge whether the desired objectives would be achieved. She expressed the hope that, in the interim, Slovakia would place special emphasis on the use of temporary special measures, under article 4 of the Convention.

47. She urged the Government to seriously consider reinstating quotas for women in political life so as to ensure their involvement as decision makers.

48. The Committee looked forward to receiving more information on assistance offered to victims of domestic violence, Government plans for public education on that crucial issue, and measures taken to suppress traffic in women.

49. **Ms. Schöpp-Schilling** said that structural discrimination, such as prevailed in Slovakia, could not be solved solely by establishing de jure equality, or by emphasizing individual responsibility. She strongly recommended that a study of structural discrimination be conducted so as to put women's rights in their proper context, and that the temporary special

measures already instituted be strengthened in a number of ways.

50. While congratulating the Government on the creation of the Coordination Committee for the Problems of Women (CCPW), under whose auspices the National Action Plan for Women in Slovakia had been formulated, she noted that unless it received substantial Government funding, the Plan could not be effectively implemented. It would be advisable to delete the word "problems" from the Committee's name since the work tended to marginalize groups. It was her impression that the Committee's role was purely advisory. In fact, it should have serious powers to monitor legislation at all stages. The Government might wish to consider eventually upgrading the Committee's status to that of ministry.

51. Given the primordial role of non-governmental organizations in realizing the goals of article 5 of the Convention, the Government should not hesitate to provide adequate resources for women's organizations.

52. Turning to the issue of employment, she said attention must be paid to job segregation, equal remuneration and social benefits, otherwise, women would be unable to contribute adequately to the development of society. The cutbacks in pre-school facilities were to be regretted for, in the absence of childcare institutions, women would have to be absent from the employment market for several years at a time, and that would severely impede their progress.

53. **Ms. Abaka** encouraged the Government to continue its programme of family planning education and expressed the hope that the marked decline in the incidence of abortion would continue.

54. **Ms. Vranova** (Slovakia) said that consideration was being given to amending the name of the CCPW along the lines suggested by Ms. Schöpp-Schilling. In addition, the Committee was striving to increase mainstreaming and restructure bodies working on women's issues.

55. As a point of clarification, she said nurseries were financed by individual communities while kindergartens were funded by the State. Parental leave was a matter of free choice and therefore not compulsory.

56. **Mr. Jejevica** (Slovakia) said the Committee's suggestions and general recommendations would provide a basis for his Government's implementation

of the Convention. Slovakia was interested in temporary special measures to secure effective guarantees for the protection of rights and dismantling of inequalities.

57. **The Chairperson** congratulated the Government on its commitment to the implementation of human rights instruments in general, noting that Slovakia had withdrawn its reservation to the Convention on the Elimination of All Forms of Discrimination against Women and that it was making efforts to disseminate the text of the Convention.

58. Nevertheless, much remained to be done. The strong focus on maternity and family life should not in any way serve to reinforce stereotyping of gender roles.

59. She reiterated the Committee's belief that temporary special measures were among the most effective tools provided by the Convention for the advancement of equality.

60. Slovakia was moving towards democracy with a strong emphasis on civic interdependence, in a political atmosphere favouring compliance with international instruments. The vibrant NGO movement was also a strong point; all political parties in Slovakia had shown concern for nurturing civic society and eliminating discrimination against women.

The meeting rose at 12.50 p.m.