



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

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

**Pre-session working group**

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**Responses to the list of issues and questions with regard to  
the consideration of the combined second, third and fourth  
periodic reports**

**Slovakia\***

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



## General

1. The second, third and fourth periodic report of the Slovak Republic to the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter the “Periodic Report”) was prepared by the Ministry of Labour, Social Affairs and Family of the Slovak Republic (Department of Family and Gender Policy; Social Inclusion Section, and Employment and Employment Regulations Section) and the Ministry of Foreign Affairs of the Slovak Republic (Department for Human Rights) in cooperation with the relevant authorities. These authorities specifically included the Ministry of Justice of the Slovak Republic (Section for International and European Law), Ministry of Interior (Office for European Affairs and International Relations; Department of Human Trafficking, Sexual Exploitation and Victim Support of the Bureau of the Fight Against Organised Crime at the Police Force Presidium), the Ministry of Education of the Slovak Republic (Section of International Cooperation, and Section of State Sport Support Schemes), the Ministry of Defence of the Slovak Republic (General Legal Representative, and Section for Legislation and Law), Ministry of Agriculture of the Slovak Republic (Foreign Affairs Department), Ministry of Health of the Slovak Republic (Health Care Section), Ministry of Environment of the Slovak Republic (Section for European Integration and International Cooperation), Ministry of Construction and Regional Development of the Slovak Republic (Department of European Integration; Department of Legal and Legislative Affairs), Ministry of Finance of the Slovak Republic (Department of International Relations), Office of the Government of the Slovak Republic (Section for Human Rights and Minorities), Office of the Slovak Government Plenipotentiary for Roma Communities, Office of the Ombudsman, Statistical Office of the Slovak Republic, and the Institute for Information and Forecasting in Education. Two coordination meetings were held with the above-mentioned bodies, at which it was agreed which body would be responsible for providing information on each specific article of the Convention. The second coordination meeting served to identify the needs for additional information.

Before its presentation to the Government of the Slovak Republic for approval, the Report was **distributed to Non-Governmental Organisations for comments**. These did not in fact comment on the report, since, as they said, this was a government report, but they rather decided to prepare a shadow report.

The Report was then commented on by all ministries and agencies. During the inter-institutional commenting procedure, **no fundamental comments were received** (and nor did the NGOs send a collective comment). The Slovak Government endorsed the report on 18 October 2006, its Resolution No. 870/2006.

The Report was also discussed at the meeting of the Commission for Equal Opportunities and the Status of Women, established by the Committee of the National Council of the Slovak Republic for Human Rights, Nationalities and the Status of Women.

## Constitutional, legislative and institutional framework

2. March 2007 marked the fifth anniversary since the establishment of the institution of the Public Defender of Rights (Ombudsman) in the Slovak Republic. In this period, the Ombudsman received more than 11,000 petitions. In addition, the Office of the Ombudsman receives every year a large

number of other petitions that are beyond the purview of the Office. In such cases, the Office of the Ombudsman always provides the petitioner with a legal guidance, comprising an explanation of the legislative context of the case at hand, possible solutions, and, where relevant, also contact details of the organisation which may be of use to the petitioner in handling the case. These activities, which aim to increase the legal awareness of the population, are pursued at the initiative of the Ombudsman's Office and go beyond the legally defined duties of the Office. In the first five years of existence, the Office provided legal guidance in more than 22,000 cases, in addition to the petitions mentioned above. Women make up some 36 to 39 per cent of petitioners every year.

Discrimination was the subject of more than 100 petitions received, of which about 40 per cent were handled as petitions admissible under the Law on the Public Defender of Rights; in the remaining 60 per cent of cases, the petitioners received legal guidance. The proportion of women among petitioners in cases involving an alleged discrimination stood at about 30 per cent, similar to the proportion of women among petitioners in general. The Ombudsman's Office did not observe significant changes in the number of petitions delivered after the entry into force of Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection Against Discrimination, and on Amendments to Certain Other Acts, as amended, which vests the Slovak National Centre for Human Rights with the authority to deal with the cases of discrimination.

In its first five years of activity, the Ombudsman established 572 cases of infringement of the fundamental rights and freedoms of both natural and legal persons. Not one of these cases concerned discrimination on the grounds of gender, or discrimination on any other grounds.

Gender (or gender combined with another factor of discrimination, such as age, social status, membership of a national minority or ethnic group, where there is suspicion of multiple discrimination) was only marginally represented in the petitions. This problem tends to come up more in informal meetings and discussions with citizens, and in our live media appearances where the viewers and listeners can interact. Experience of discriminatory behaviour is mostly mentioned in the context of employment relations, particularly in the private sector: typically in cases of recruitment to a job, or in the creation of a conflictive atmosphere in the workplace.

In addition to the case mentioned in our previous submissions,<sup>1</sup> the Ombudsman was petitioned, for example, by:

- A (female) director of the personnel department of a Regional School Board, claiming that her female superior was humiliating employees, and creating an atmosphere of fear through unfair accusations, or "irregular" reductions in the number of employees;
- A (female) university lecturer alleged discriminatory behaviour by the management of her Faculty regarding the non-prolongation of her contract, a delay in upgrading her to a higher

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<sup>1</sup> A collective of employees of one secondary school contacted the Office of the Ombudsman. In their petition they claimed that their School Director did not deal with their complaints regarding one senior member of staff, who on a daily basis imposed a workplace climate of psychological terror, with statements humiliating to women such as "women don't belong in society," "women are not people," "why do women scabble around between people?". The Ombudsman investigated this request, and established that the workplace and labour relations with this senior member of staff had been resolved within the organisation at its regular meetings. The senior member of staff was given a warning, and was specifically urged to maintain all relationships with staff at an appropriate professional level. Following an inquiry by the Ombudsman, the School Director informed that the senior member of staff had been dismissed.

- salary category in breach of the law, and other aspects of the way her employment was terminated;
- A (female) primary school teacher contacted the Ombudsman when her employer failed to redress the situation after a court had ruled the conduct of the employer discriminatory. In addition to continued discrimination, in her submission she also presented objections to the way in which the school handled a petition by parents calling for her dismissal due to non-pedagogical behaviour vis-a-vis her pupils;
  - A (female) secondary school teacher claiming discrimination in that an error she made in reporting statistical data was twice referred to in the minutes of management meetings, while mistakes made by other colleagues, including the (female) school director, were not recorded in the written record at all;
  - A (female) nurse, who felt discriminated against because she was bringing up her three children alone, and her (female) supervisor stated that she did not need an employee who would often have to stay at home with children. Untrue allegations about her were also circulated, and she was stripped of her personal bonus without proper grounds;
  - A mother, who felt that her daughter was a victim of discrimination when applying for a job in a private educational establishment, since her daughter had studied a foreign language in Canada, but the establishment, according to the mother, only engaged lecturers from England.

All these cases entailed discrimination at workplace, albeit the stated reasons for discrimination were not exclusively gender-based, but rather “other status,” relating to conflictive relationship with the employer.

The Ombudsman of the Slovak Republic is an independent constitutional body, which, in the way and to the extent defined by the Act on the Public Defender of Rights, defends the basic rights and freedoms of natural persons and legal persons in proceedings before the bodies of public administration and other public sector bodies, where these act, decide or fail to act in breach of the law. In reviewing a petition, the Ombudsman establishes which fundamental right has been infringed upon, and whether this infringement is attributable to body of public administration. These are the basic preconditions for a petition to fall within the Ombudsman’s purview. However, when it comes to the employer-employee relationships, the decisions taken by the bodies of public administration are not deemed decisions taken in the exercise of their function of public administration. For this reason, discrimination in employment matters does not fall under the ambit of the Ombudsman.

Nevertheless, where a public sector employer acts in evident breach of the principle of equal treatment, even when the Office of the Ombudsman shelves the petition as falling outside the purview of the Office, it notifies the employer (or its supervisory body) of the need to respect laws in the given area, or requests an opinion on the case, and asks for the adoption of appropriate measures. This approach is particularly justified in cases where a petition, in addition to claiming discriminatory conduct, also challenges the related administrative procedures, the handling of complaints or requests for information, etc. Moreover, as mentioned above, the Ombudsman provides the petitioner with a detailed legal guidance.

The next group of petitions concerned allegations of discriminatory legislation, particularly in the field of social care, pensions, maternity benefits and the one-off state contribution at child birth. For example, an adoptive mother contacted the Ombudsman because, under the applicable legislation, she

did not receive the full amount of maternity allowances and therefore felt to have been financially discriminated against. Another adoptive mother considered as discriminatory the fact that supplementary maternity allowances are, according to the law, only available to the mother who gave a birth to a child. The laws that regulate retirement pensions and the related [no longer effective] regulations were considered discriminatory by another (female) petitioner, who objected to the way in which widow's pensions used to be calculated based on the number of children brought up.

The Slovak Ombudsman does not have the power of legislative initiative and thus cannot initiate, on its own, any change in the law. However, if in the course of handling a petition the Ombudsman identifies a problem of insufficient or unsuitable legislation, it contacts the appropriate parliamentary committee, particularly the Committee for Human Rights, Nationalities and the Status of Women. The Ombudsman's comments and suggestions on legislative matters are also regularly presented in the annual activity report, which is submitted to the National Council of the Slovak Republic. As part of the cooperation with the above-mentioned committee the Ombudsman participated, for example, in discussions regarding the proposal by an NGO to amend the law according to which the entitlement to a one-off allowance on the birth of a child is not extended to a mother who, after giving birth, abandons her child in a healthcare facility without the consent of the attending doctor. This was considered to be discrimination.

Experience of the Ombudsman so far suggests that the subjective perceptions of discrimination in many cases do not meet the legal criteria of what constitutes discrimination and, if a discriminatory behaviour occurs, particularly in cases of harassment, it is difficult to furnish evidence. It should also be noted that despite the positive changes so far, a significant part of the population has still insufficient knowledge about their rights and how to exercise them, about their responsibilities, as well as about the content of anti-discrimination regulations.

For this and other reasons, the Office of the Ombudsman pays great attention to the issue of discrimination in its efforts to increase legal awareness of the general public. Representatives of the Office regularly attend various activities (conferences, seminars, practical exercises) and are present in the media. In the last year alone, more than ten events were dedicated to this theme. Prevention of discrimination and possibilities for tackling discrimination, including legal guarantees of protection against discrimination, are amongst the topics of training activities organised for the staff of the Office. Measures against discrimination on the ground of gender, for example related to pregnancy and motherhood, are also applied by the Office in the organisation of its own activities, where working conditions are adjusted accordingly.

From a statistical point of view, the number of petitions alleging discrimination does not represent a significant proportion of the petitions addressed to the Ombudsman. However, the importance, which the Ombudsman and his Office attach to the protection of these rights and freedoms is clear from the quantity and focus of various activities in this field.

**3.** As mentioned in point 20 of the Periodical Report, the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Discrimination against Women itself and all other international treaties on human rights and fundamental freedoms, have precedence over national laws. This is laid down in Article 7 Paragraph 5 of the Constitution of the Slovak Republic: "*International treaties on human rights and*

*fundamental freedoms, international treaties for the enforcement of which the adoption of law is not required, and international treaties which directly confer rights or impose duties on natural persons or legal persons and which were ratified and promulgated in a manner laid down by a law shall have precedence over laws.”* On this basis, the Convention on the Elimination of all Forms of Discrimination against Women has the same status as other international human rights agreements adopted after entry into force of the above-mentioned provision.

For more information on references made during court proceedings to the Convention on the Elimination of All Forms of Discrimination against Women, see Point 4.

4. Draft legislation, which will update the anti-discrimination law for the second time is currently before the Slovak Parliament, awaiting approval.<sup>2</sup> By Decision No. 486 of 9 November 2007, the Speaker of the Slovak Parliament referred the draft for deliberations to the Constitutional Committee, the Committee on Social Affairs and Housing, and the Committee for Human Rights, Nationalities and the Status of Women, which will act as the lead committee. The deadline for committee discussions was set at 24 January 2008 (25 January 2008 for the lead committee).

This second amendment to the Antidiscrimination Act was prepared for various reasons. First and foremost, the Slovak Republic is obliged to transpose into its legislation Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between women and men in the access to and supply of goods and services (this duty of Member States is expressly stated in Article 17 of the Directive). The amendment has also been inspired by the reservations, which the European Commission addressed to the Government of the Slovak Republic through formal notices, by the submissions of members of the inter-ministerial expert commission on the amendment of the Antidiscrimination Act, and by the submissions of non-governmental organisations and the public participating in the process.

The amendment should bring the following changes into the anti-discrimination law, with the goal of increasing the protection against discrimination, and enhancing the legal certainty:

- The general provisions of the law **demonstratively list specific grounds** (gender, religious affiliation or belief, race, membership of a national or ethnic group, health disability, age, sexual orientation, marital status, family status, skin color, language, political or other belief, national or social origin, property, descent or other status – i.e. open-ended list of forms of discrimination) based on which discrimination is prohibited.

*The current law, section 2, paragraph 1, bans discrimination on any grounds whatsoever. However, the preparation and drafting of the amendment lead to the conclusion that such a broad-based ban could be counterproductive in practice.*

- The proposed amendment includes a **definition of sexual harassment** – as a form of discrimination. According to section 2a, paragraph 5, the definition is as follows: “*Sexual*

<sup>2</sup> Proposed legislation amending Act No. 365/2004 Coll., on Equal Treatment in Certain Areas and on Protection Against Discrimination, and on Amendments to Certain Other Acts (the Anti-Discrimination Act), as amended, and amending Act No. 308/1993 Coll., on the Establishment of the Slovak National Centre for Human Rights, as amended.

*harassment is verbal, non-verbal or physical behaviour of a sexual character, the intent or result of which does or could disturb the dignity of a person, and which creates a climate of fear, humiliation, lack of respect, hostility or insult”.*

- **The amendment partly changes the logic of the Act.** The existing law includes specific provisions banning discrimination in various areas (social security, health care, provision of goods and services, education, employment relations and similar legal relations); in each specific area the law forbids discrimination only on certain, specifically listed grounds. Such a formulation unjustifiably narrows protection against discrimination, and creates internal inconsistencies between individual provisions of the Act, which the Commission has criticised several times. The proposed amendment therefore demonstratively lists the grounds on which **discrimination is forbidden in all areas covered by the anti-discrimination law** (section 2, paragraph 1). The prohibition of discrimination in specific areas covered by the amended act subsequently refers to this “general ban”.
- The newly-proposed formulation in section 8a includes **temporary positive actions** (see below, Point 5).
- There are also **changes in regulations of a procedural nature**, which deal with the means of legal protection (sections 9 to 11 of the anti-discrimination law):
  - Terminology has been made more precise – the current formulation “proceedings in matters of non-respect of the principles of equal treatment” will be replaced by the formulation “proceedings in matters **relating to non-respect of the principles of equal treatment.**”
  - The amendment specifically mentions **mediation**<sup>3</sup> - a form of extrajudicial reconciliation procedure, as one of the ways of protecting rights.
  - In section 11, paragraph 2, which establishes the so-called shifted burden of proof, **the word “proof” is replaced by “facts,”** which should make the procedural status of the plaintiff in court proceedings easier.

The promotion and protection against discrimination (whether through education, monitoring or provision of legal assistance) are the main activities of the Slovak National Centre for Human Rights (the Centre), the status and powers of which are defined by Act No. 308/1993 establishing the Slovak National Centre for Human Rights, as amended.

On the basis of the antidiscrimination law, the Slovak National Centre for Human Rights has wider responsibilities in the area of monitoring and legal assistance to the victims of discrimination, including discrimination in terms of gender equality: “The Centre is active in the area of human rights and fundamental freedoms, including the rights of the child. To this end, the Centre:

<sup>3</sup> Act No. 420/2004 Coll. on Mediation and on amendments to certain acts.

- a) monitors and assesses the observance of human rights and the observance of the principle of equal treatment according to a specific law, 1aa);
- b) gathers and provides upon request information on racism, xenophobia and anti-Semitism in the Slovak Republic;
- c) carries out research and surveys on the provision of information in the area of human rights, and gathers and disseminates information in this area;
- d) prepares educational activities and takes part in information campaigns aimed at increasing tolerance in society;
- e) ensures legal aid for victims of discrimination and expressions of intolerance;
- f) issues at the request of natural or legal persons, or at its own initiative, expert standpoints on matters related to the observance of the principle of equality of treatment according to a separate law, 1aa);
- g) provides library services; and
- h) provides services in the domain of human rights.”

The second article of the amended anti-discrimination law proposes changes in some measures of Act No. 308/1993 establishing the Centre, in particular:

- The role of the Centre is again extended – under the new amendment, the Centre will be, in addition to its existing powers, entitled to carry out **independent investigations** concerning discrimination, and **draw up and publish reports and recommendations in matters related to discrimination**.
- The annual **Report on Observance of Human Rights**, which the Centre is required to draw up and publish, must henceforth contain, on the basis of the transposed Directive, a **separate section devoted specifically to respect for the principle of equal treatment**.

The Centre was also a member of the Commission for Preparation of Amendments to the Anti-Discrimination Act, established under the Office of the Government of the Slovak Republic. As part of the legislative process, a representative of the Centre regularly attended meetings of the Commission, and presented the Centre’s comments and proposed modifications regarding the amendment of the anti-discrimination law.

In connection with possible discrimination against women, the Centre submitted – within the framework of the inter-institutional commenting procedure – an expert opinion to the proposed positive (affirmative) actions and, in its comments the Centre expressed its views on the definition of sexual harassment, among other things.

Thus far, 136 women have contacted the Slovak National Centre for Human Rights with requests for advice in cases involving discrimination.

In the case described in Point 75 of the Periodic Report – discrimination against a female physician in a recruitment procedure on the grounds of gender, the Centre issued an expert opinion (No. POL: 358/2005 of 27 June 2005) wherein it concluded that the recruitment procedure was discriminatory against the complainant on the basis of her sex. In its reasoning the Centre referred to the **Convention on the Elimination of All Forms of Discrimination against Women**.

On the basis of the Centre's expert opinion, the physician decided to file with the relevant court, through her lawyer, an action for the infringement of the principle of equal treatment. The Centre's expert opinion formed part of the case file. A lawyer of the Centre attended individual hearings of the case, as a member of the public.

The Žilina District Court, in Proceedings No. 27C 312/05 of June 2007, ruled to dismiss the plaintiff's action and obliged her to pay the court fee and costs of proceedings. According to information from the attorney, the plaintiff decided not appeal against this decision, which has thus become valid and effective.

In the case of a female preacher prevented by her church to perform the role of preacher because of her gender, despite the fact that the internal regulations of that church do not prevent women from preaching, the complainant was informed about possibilities for seeking redress through legal process, and decided not to file a lawsuit.

This case was this year the subject of case studies developed by the "Dynamic Interpretation" working group of EQUINET – the European Network of Equality Bodies. It will be published in 2008 in the working group's publication ([www.equineteurope.org](http://www.equineteurope.org)).

The case described in Point 76 of the Periodic Report was settled out of court, as described in the report.

**5.** Within the framework of the above-mentioned amendments, a new Article 8a will introduce **temporary positive actions**. These were prepared in accordance with international legal practice, as a significant source of law in the area of discrimination, and in accordance with the Constitution of the Slovak Republic. In addition to members of the inter-ministerial expert commission, experts from the non-government sector, human rights institutions and other experts working in the area participated in their preparation.

In line with the basic principles of the international legal practice for positive actions, the amendment introduces the following wording:

*"Article 8a*

*(1) The adoption of temporary positive actions by state authorities aimed at preventing disadvantages linked to racial or ethnic origin, membership of a national minority or ethnic group, gender, age or health disability, designed to ensure equal opportunities in practise, does not constitute discrimination. Such positive actions shall, in particular, include the measures:*

- a) aiming to eliminate those forms of social and economic disadvantage that disproportionately affect the members of disadvantaged groups,*
- b) designed to stimulate the interest of the members of disadvantaged groups in employment, education, culture, health care and services,*
- c) focused on providing equal access to employment and education, particularly through targeted preparatory programmes for members of disadvantaged groups or through dissemination of information about such programmes or about possibilities to apply for jobs or placements in the school system.*

(2) *The temporary positive actions referred to in paragraph 1 may be adopted where:*

- a) demonstrable inequality exists,*
- b) the goal of the measure is to reduce or eliminate such inequality,*
- c) the proposed measures are proportionate and essential to achieving the goal set.*

(3) *Temporary positive actions may only be adopted in the areas referred to in this Act.*

(4) *The authorities referred to paragraph 1 shall continuously monitor, evaluate and publish the temporary positive actions adopted, with a view to re-examining the justification of their continued implementation and shall inform the Slovak National Human Rights Centre accordingly. These measures may continue to apply only until the inequality which led to their adoption has been eliminated.*

(5) *The provisions of paragraphs 1 to 4 shall be without prejudice to Article 7 and Article 8, paragraph 3(b)."*

### **Stereotypes**

6. In the field of education, in primary and secondary schools the integrated subject **“Education towards marriage and parenthood”** – **which is truly interdisciplinary in nature** and intends to develop the basic knowledge and responsible behaviour in partnership relations and parenthood – puts emphasis on the development of responsibility for one’s own conduct and encouragement of a desire to establish a family in adulthood, have children, and bring them up with love. The dominant themes within this subject include: marriage and the family, upbringing, parenthood, and **gender equality**. The objectives also include: education towards personal and civic responsibility, accentuation of the qualities necessary for marriage (tolerance, mutual understanding and support), preparation for the role of parents, stressing the beauty of parenthood and underlining the responsibilities of both parents in bringing up the child, relationships, rules and, last but not least, the duty to look after one’s parents in their old age. This content is taught in a mixed (coeducational) setting.

In the area of social and labour legislation, in the interest of overcoming stereotypes the Labour Code gives both parents a possibility to share parental leave between them. Parents may also take turns as prime carers for their child (which makes them entitled to parental allowance) and decide on the length of those turns.

**Surveys have shown that Slovaks perceive the changing role of the father in the family more positively than negatively. Even though the law makes it possible for either the father or mother of a child to take a parental leave, only 2.2 per cent of fathers avail themselves of this possibility. One of the main reasons is that the parental leave benefit is paid at a fixed rate which, given the men’s higher average wage (27 per cent gender pay gap), explains why mothers tend to be the ones taking parental leave for the sake of sustaining the family budget. Only one quarter of the current two-parent families with children in Slovakia live in a partnership (as opposed to marriage).**

**The changes, particularly those designed to encourage greater participation of both parents, can take the form of legal measures and instruments within the state and/or corporate family policy, as well as the form of social campaigns or promotion of good examples and advantages of the new fatherhood. The Slovak government has not yet carried out a special campaign to increase men's participation in the private sphere, but it is aware that Slovakia does need to increase men's participation in the family sphere, and that the Slovak path to gender equality goes through (or is above all a question of) the family.**

7. The role of the media in strengthening a non-sexist and non-stereotypical image of women is very important. It is particularly important that the media present a balance in different roles of women in the society - the role of mother and housewife, as well as the role of a working woman who, by bringing in her typical woman's attributes and views, is able to accomplish the same tasks as a man. A typical example of a good common practice in Slovak electronic media is the creation of moderator couples in show programs or news programs in electronic media, or engagement of women as individual moderators of political discussions.

### **Violence against women**

8. The draft amendment to the anti-discrimination law defines sexual harassment according to the requirements of European anti-discrimination legislation (see Point 4).

Since there has so far been no legal definition of sexual harassment, the Slovak National Centre for Human Rights does not have precise statistics on the claimed cases of sexual harassment. Most cases where women contacted the Centre with a request for advice (136) concerned harassment in general, particularly in the workplace, not only sexual harassment.

In line with the proposed new definition, the Centre will put in place separate statistics covering the cases of sexual harassment.

9. Neither the no-longer valid Penal Code (Act No. 140/1961), nor the current Penal Code (Act No. 300/2005, as amended) specifically defines the elements of the criminal offence of "domestic violence". Since the term "domestic violence" is very broad, it is contained in the elements of various criminal offences defined in the Penal Code.

**Numbers of convictions  
for the years 2003 to 2006  
for selected crimes committed as “domestic violence”**

**Notes to the tables:****Act No. 140/1961 Coll.****Act No. 300/2005 Coll.**

section 221 - Bodily harm	section 155
section 222 – Bodily harm	section 156
section 231 – Deprivation of personal liberty	section 182
section 232 – Restraint of personal liberty	section 183
section 215 – Torture of a related person or person in care	section 208

(Source: Ministry of Justice of the Slovak Republic, Section of Judicial Information and Statistics, 14 November 2007).

Number of convictions	section 221	section 222	section 231	section 232	section 215
2003	79	14	3	0	137
2004	148	28	7	0	322
2005	126	24	9	0	336
2006	92	18	7	0	243

Data for the year 2006, according to the new Penal Code (Act No. 300/2005 Coll.)

Number of convictions	section 155	section 156	section 182	section 183	section 208
2006	7	38	1	0	28

**Number of women victims of  
selected crimes committed as “domestic violence”  
for the years 2003 to 2006**

**Notes to the tables:**

**Act No. 300/2005 Collection**

**Act No. 300/2005 Coll.**

section 221 – Bodily harm	section 155
section 222 – Bodily harm	section 156
section 231 – Deprivation of personal liberty	section 182
section 232 – Restraint of personal liberty	section 183
section 215 - Torture of a related person or person in care	section 208

(Source: Ministry of Justice of the Slovak Republic, Section of Judicial Information and Statistics, 14 November 2007).

Number of <b>women victims</b>	section 221	section 222	section 231	section 232	section 215
2003	246	34	13	0	81
2004	328	28	22	0	187
2005	270	28	15	0	232
2006	192	18	13	0	175

Data for the year 2006, according to the new Penal Code (Act No. 300/2005 Collection)

Number of <b>women victims</b>	section 155	section 156	section 183	section 182	section 208
2006	6	67	1	0	24

**Number of convictions and of women victims  
for the years 1998 to 2006**

Number of convictions	section 204	section 215	section 227-229	section 241	section 241a	section 242-243	section 246	section 246a
1998	7	18	1	89	0	266	10	0
1999	1	11	0	73	0	263	3	0
2000	4	33	0	60	0	270	13	0
2001	6	23	1	65	0	305	6	0
2002	5	50	0	63	1	218	6	0
2003	8	137	0	72	8	183	7	0
2004	6	322	2	64	9	186	6	0
2005	9	336	1	70	21	168	6	0
2006	10	243	0	51	11	118	15	0

Data for the year 2006, according to the new Penal Code (Act No. 300/2005 Coll.)

Number of convictions	section 367	section 208	sections 150-153	section 199	section 200	sections 201-202	section 179	section 161
2006	0	38	4	6	3	74	1	0

Number of women victims	section 204	section 215	sections 227-229	section 241	section 241a	section 242-243	section 246	section 246a
1998	3	0	0	51	0	117	9	0
1999	0	0	0	43	0	116	2	0
2000	1	10	0	31	0	133	9	0
2001	2	0	0	38	0	122	3	0
2002	2	5	0	30	0	60	2	0
2003	6	81	0	47	3	97	7	0
2004	2	187	0	42	8	36	4	0
2005	6	232	0	46	6	27	3	0
2006	6	175	0	36	7	18	8	0

Data for the year 2006, according to the new Penal Code (Act No. 300/2005 Coll.)

Number of women victims	section 367	section 208	section 150-153	section 199	section 200	section 201-202	section 179	section 161
2006	0	24	0	2	1	10	0	0

With regard to the implementation of the Convention, **Act No. 300/2005, the current Penal Code, as amended**, establishes the following legally relevant elements of criminal offences, which are listed in the table along with numbers of convictions and of victims.

section 367	Pandering
section 208	Torture of a related person or person in care
section 150-153	Unlawful abortion
section 199	Rape
section 200	Sexual violence
section 201-202	Sexual abuse
section 179	Trafficking in human beings
<b>section 161</b>	<b>Unauthorised experiments on humans and cloning of humans</b>

With regard to the implementation of the Convention, **Act No. 140/1961 Coll., the no-longer valid Penal Code, as amended**, established the following legally relevant elements of criminal offences listed in the table along with numbers of convictions and of victims.

section 204	Pandering
section 215	Torture of a related person or person in care
section 227-229	Unlawful abortion
section 241	Rape
section 241a	Sexual violence (with effect from 1 August 2001)
section 242-243	Sexual abuse (with effect from 1 September 2002, previously “venereal abuse”)
section 246	Trafficking in human beings (with effect from 1 September 2002, previously “trafficking in women”)
<b>section 246a</b>	<b>Cloning of a human being (with effect from 1 September 2002)</b>

(Source: Ministry of Justice of the Slovak Republic, Section of Judicial Information and Statistics, 14 November 2007).

Compensation to victims of violent crimes was first regulated by law in Slovakia through Act No. 255/1998 Coll., as amended by Act No. 422/2002 Coll. The first Act took effect on 1 May 1998. Act No. 422/2002 broadened the definition of “bodily harm” to include the criminal offences of sexual violence and sexual abuse (section 1, paragraph 3 of Act No. 255/1998 Coll.) and increased the amount of compensation to the victims of rape, sexual violence and sexual abuse. In addition, the Penal Code ensures the legal status and rights of the victim (the aggrieved) regardless of whether the victim is male or female.

Act No. 215/2006 Coll. on Compensation to the Victims of Violent Crime entered into force as of 1 May 2006. This law regulates one-off financial compensations to those who have suffered harm as a result of deliberate violent criminal acts.

Under section 2(1) of Act No. 215/2006:

a) *The aggrieved shall mean the person who suffered harm to his/her health as a result of a criminal act, as well as the bereaved spouse and/or bereaved child of such person and, in their absence, the bereaved parent of the person who died in consequence of a criminal act,*

b) *Harm to health shall mean bodily harm, grievous bodily harm, death, rape, sexual violence and sexual abuse caused by a criminal act committed by another person.*

In accordance with section 6 of Act No. 215/2006, for the calculation of compensation in cases involving harm to health, the provisions of Act No. 437/2004 on Compensation for Pain and Compensation for Impaired Employability are applied. If a criminal act results in death, the aggrieved is entitled to a compensation amounting 50 times the minimum wage (i.e.  $50 \times 8,100 = 405,000$  SKK).

Where more than one aggrieved person becomes entitled to compensation, the above-mentioned sum is divided equally among them. If harm to health has been caused by rape or sexual violence, the aggrieved is entitled to compensation amounting 10 times the minimum wage (i.e.  $10 \times 8,100 = 81,000$  SKK). The compensation for rape or sexual violence does not exclude the possibility to claim compensation for moral damage caused by the same criminal act.

Under section 6 of the currently valid Act No. 215/2006, the total amount of compensation provided under this legislation shall not exceed a multiple of 50 times the minimum wage (i.e.  $50 \times 8,100 = 405,000$  SKK).

Regarding the number of persons murdered as a result of domestic violence, the table below gives the total number of murdered, including assisted suicides.

Number of <b>murdered women</b>	section 219 Homicide	section 230 Assisted suicide
2003	17	0
2004	14	0
2005	19	0
2006	20	0

Source: Ministry of Justice of the Slovak Republic, 2007

10. Answer to the question is given in the Periodic Report of the Slovak Republic, Points 133, 134 and 135. These protective measures are used in the judicial practice, but statistical data are not collected.

11. section 211(1) of the Criminal Procedure Code (Act No. 301/2005 Coll., as amended) regulates the consent of the victim with criminal prosecution. This provision includes a larger number of criminal offences for which the consent of the victim is required. However, in relation to discrimination against women (or domestic violence) only the following criminal offences require the consent of the victim: sections 157 and 158 of the Penal Code, *Bodily Harm by Negligence* and section 207 of the Penal Code, *Failure to Provide Help*.

***Consent by the victim (Article 211)(1) Criminal prosecution for the criminal offence of... bodily harm according to section 157 and section 158, [...] failure to provide help according to Article 177... against a person whose relationship to the victim would give the victim a right to refuse testimony against such person, may only commence and, if already commenced, may continue, only with the consent of the victim.***

*(2) The provisions of paragraph 1 shall not apply where such a criminal offence resulted in death."*

This means that for other types of criminal offences the victim's consent is not necessary, and these criminal offences are prosecuted *ex officio* (this, in particular, regards the following criminal offences in relation to the discrimination against women: deprivation of personal liberty, (section 182), restraint of personal liberty (section 183), and, above all, intentional bodily harm, which is the "classic" form of violence committed against women (sections 155 and 156).

The no-longer valid Penal Code (Act No. 141/1961 Coll.), in section 163a, treated the consent of the victim in the same way, except that the elements of the crime were differently numbered (bodily harm – section 223 and section 224, failure to provide assistance – section 207).

### **Provisions of the Penal Code to protect against domestic violence**

#### **Act No. 141/1961 Coll.**

#### **Act No. 300/2005 Coll.**

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section 204 - Pandering	section 368
section 215 - Torture of a related person or person in care	section 208
section 227 to 229 - Unauthorised termination of pregnancy	section 150-153
section 241 - Rape	section 199
section 241a – Sexual violence	section 200
section 242 and 243 – Sexual abuse	section 201-202
section 246 - Trafficking in human beings	section 179
section 246a - Cloning of a human being	section 161

12. The right of a divorced husband/wife to a substitute accommodation is regulated by in sections 685-716 of the Civil Code. According to section 712(3), the ‘substitute accommodation’ means a flat with one room, or one room in an accommodation facility for single persons, or in other facilities intended for permanent accommodation, or sub-letting of part of a furnished or unfurnished apartment held by another tenant. More than one tenant may share a flat or a room. As explained in the Periodic Report, the court establishes when and on what conditions the perpetrator of home violence is not provided with a substitute accommodation. However, no statistics are kept on this.

### Trafficking and exploitation of prostitution

13. Detailed information on the number of women trafficked into the Slovak territory does not exist, since a unified collection of information in this field has not yet been established. However, the establishment of such a system is one of the goals of *the National Action Plan for Combating Trafficking in Human Beings*.

The return of trafficked persons is managed by the International Organisation for Migration (IOM) in Slovakia, as part of their *Programme for the Return and Reintegration of Trafficked Persons*. If the Ministry of Interior of the Slovak Republic includes foreign victims into its *Programme for Support and Protection of Victims of Human Trafficking*, it will enter into an agreement with the IOM to ensure the return of such victims to their country of origin. Naturally, this would occur either at the voluntary request of the victim, or if the victim infringes the conditions of the programme, providing that the victim would not be at peril in his/her country of origin.

The Ministry of Interior of the Slovak Republic has only statistics on the number of cases of prosecution for human trafficking. In 2007 (as of 31 October), there were nine perpetrators (eight men and one woman), and 15 victims (all women). There were 13 cases in all, of which four have been resolved. The statistics on pandering show 17 cases, of which 10 resolved, with 14 persons under prosecution (11 men and 3 women). The number of victims of this crime is not recorded.

### Total number of victims (2002 – 2005)

	2002	2003	2004	2005
Trafficking in human beings	24	43	33	18

### Number of female victims of trafficking (2002-2005)

	2002	2003	2004	2005
Trafficking in human beings	22	42	29	16

Source: Ministry of the Interior of the Slovak Republic, 2006

**Number of convictions, victims and compensated persons for the years 1998 to 2004**

<b>Number of convictions</b>	section 246
1998	10
1999	3
2000	13
2001	6
2002	6
2003	7
1. Half year 2004	6

Source: Ministry of Justice of the Slovak Republic, 2005

**14. At present, there are no statistics on the number of women and girls active in prostitution, since prostitution in Slovakia is neither legally regulated nor forbidden. Only the ‘exploitation of prostitution’ constitutes a crime, punishable under section 367 of the Penal Code as the criminal offence of pandering. Prostitution is understood to mean the satisfaction of sexual needs by intercourse, other form of sexual congress, or similar sexual act, in exchange for a reward. The original definition of the criminal offence of pandering was widened by the current Penal Code from 1 January 2006, to include the use, obtaining and offering for the purpose of prostitution, and making the act of prostitution possible.**

**15.** The Slovak Republic is party to all important international instruments concerning the fight against trafficking in human beings including for the purposes of prostitution and other forms of sexual exploitation (United Nations Organization, Council of Europe, European Union). The relevant European legislation was appropriately transposed into the Slovak legal order.

The Slovak Republic is party to the Council of Europe Convention on Action against Trafficking in Human Beings (Convention) as well as to the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (announcement No. 34/2005 Coll.). The government of the Slovak Republic agreed in its Resolution No. 423 of 10 May 2006 with the signature of the Convention. The Convention was signed by the Permanent Representative of the Slovak Republic to the Council of Europe on behalf of the Slovak Republic during the 116<sup>th</sup> session of the Committee of Ministers of the Council of Europe on 19 May 2006. The Convention, which enters into force on 1 February 2008, enters into force on the same day for the Slovak Republic as well. The entry into force of the Convention falls into the period of the Chairmanship of the Slovak Republic of

the Committee of Ministers of the Council of Europe. The Convention is according to the article 7, paragraph 5 of the Constitution of the Slovak Republic an international treaty, which directly confers rights or imposes duties on natural and legal persons and has precedence over laws. In accordance with article 86 d) of the Constitution of the Slovak Republic the National Council of the Slovak Republic approved the ratification of the Convention on 30 January 2007 and President of the Slovak Republic ratified the Convention on 27 March 2007.

With a view to implement its international commitments, notably the provisions of the relevant international conventions, the Slovak Republic has adopted specific legislative measures in the field of criminal law. The paragraph 179 of the current Penal Code envisages the criminal offence of trafficking in human beings and the paragraphs 180 and 181 the criminal offence of trafficking in children. The paragraph 179 forbids and punishes the trafficking in human beings for the purposes of prostitution or other forms of sexual exploitation including pornography.

Furthermore the sexual abuse establishes the criminal offence of sexual abuse, which is punishable under the Penal Code. According to the paragraph 201 of the Penal Code, who has sexual intercourse with a person who is less than fifteen years old or who sexually abuses such a person in any other way will be punished. According to the paragraph 202 of the Penal Code who leads a person who is less than eighteen years old to an extramarital intercourse or abuses her sexually in any other way and if such a person is entrusted to his care or under his supervision or is a dependent person, or it is done for the benefit, will be punished.

### **Participation in decision-making and representation at the international level**

**16.** The data presented in paragraph 102 of the Periodic Report indicate the failure of the activities aimed at achieving 30 per cent representation of women on the electoral candidate lists of political parties. The main reason for the lack of success was the poor preparation or lack of information, since the preparation of both laws was linked to a campaign of non-governmental organisations. The main problem was a conservative attitude of the majority of political parties, even those of a social-democratic orientation. Female politicians also showed a negative attitude, arguing that they would not be pleased to hear that they got a political function not because of their competence, but rather because of some sort of a quota. Despite explanations and lobbying, parliamentarians rejected the proposed law in 2001. In 2003, the management of the Ministry of Interior, which drafted the bill, refused to present the draft for further administrative process, and so the parliament never got a chance to vote on bill.

**17.** In the **2006 elections**, 24 women were elected amongst 150 deputies to the National Council of the Slovak Republic, which represents 16 per cent. There are currently 29 women in parliament (as a result of several changes and substitutions), representing 19.3 per cent. It can therefore be said that, although less women were elected to parliament in 2006 than in the previous elections in 2002, as a result of subsequent changes and substitutions their current number is actually higher than in the previous parliament. Nevertheless, this can still not be considered as a balanced representation.

On 30 November 2007, Ms Zdenka Kramplová was appointed Minister of Agriculture, bringing the number of women ministers in the Slovak cabinet to two.

Of 650 persons working abroad in Slovakia's **diplomatic service**, 294 are women (as of 25 November 2007). The Headquarters of the Ministry of Foreign Affairs has 440 employees, of which 215 are women. There are eight women among 88 heads of Slovakia's diplomatic missions, of which four heads of Embassy, one head of a Permanent Mission, one Consul General and two directors of Slovak Institutes abroad.

Women also participate in negotiations in international organisations, as heads or members of Slovak delegations. The Head of the Slovak Delegation at the 49<sup>th</sup> session of the Commission on the Status of Women was a (female) General Director of one of the sections of the Office of the Government of the Slovak Republic. Two female representatives of the NGO sector were also part of the Slovak delegation. At the 50<sup>th</sup> and 51<sup>st</sup> sessions of the Commission on the Status of Women, the (female) Minister of Labour, Social Affairs and the Family participated in a High-level round table discussion.

As of 26 November 2007 there were 844 female judges in the Slovak judicial system. Most female judges in Slovakia are members of the National Association of Women Judges of Slovakia, based in Banská Bystrica. The National Association of Women Judges of Slovakia is a collective member of the International Association of Women Judges – IAWJ, based in Washington. The current President is Ms. Daniela Baranová, JUDr. As of 22 November 2007, Slovakia was represented in the IAWJ by 20 women judges.

Within the MATRA project, carried out by the NGO *Profesionálne ženy* (Professional Women) a timetable was established in 2002 for achieving 50:50 representation of women:

1998 - 14 per cent

2002 - 20 per cent

2006 - 25 per cent

2010 - 30 per cent

2014 - 40 per cent

2018 - 50 per cent

To reach this goal, the following activities were carried out in 2002-04:

- The establishment of and support to the Committee for Equal Opportunities and on the Status of Women within the National Council of the Slovak Republic (2002),
- Support for modification of the Election Law, so that every third candidate be of a different sex (2001 - 2002, 2004),
- Support to the adoption of the first version of the anti-discrimination law,
- Support of a female candidate to the post of Ombudsman,
- Comments to the proposed new 2003 Election Law, lobbying and media activity to encourage the approval of the parliamentarians' proposal, that every third candidate be of a different sex,
- Ongoing communication with political parties – face-to-face meetings, discussions, letters, appeals,
- In the period 2001-2005, organisation of annual national conferences with the participation of representatives of political parties and NGOs: Why We Need More Women in Politics,
- Meetings in the regions.

These activities raised the profile of the theme and increased the media interest (which was not always constructive). Regional platforms supporting the entry of more women into politics have also been established. The members of these platforms include representatives of women's NGOs, other NGOs, political parties, and representatives of the state administration. Pre-election meetings were held in the regions with voters and with representatives of the political parties. With some parties these motivational activities struck a particular cord, for example, the "Free Forum" (*Slobodné fórum*) party had a women leader, while the Alliance of the New Citizen party applied the zipper principle on its candidate list. Unfortunately, neither of these parties got enough votes to enter into the parliament.

Despite all the above-mentioned activities, it was not possible to exceed the level of 20 per cent participation of women in the national parliament. The main reason for this was that despite promises, the political parties (particularly those which got to the parliament) did not place enough women candidates on their election lists high enough to secure them a seat in the parliament.

### **Roma women**

**18.** As regards statistical information allowing to monitor and evaluate the socio-economic situation and the political status of Roma, including Roma women, the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities (ÚSVRK) agrees with the arguments referred to in the Periodic Report, concerning respect for Act No. 428/2002 Coll. on the Protection of Personal Information.

A significant part of the Roma population, that is, members of marginalised Roma communities are by reason of their status already included in records and statistical data pertaining to socially disadvantaged groups of the population, which include a broad range of categories, such as single mothers, school leavers, long-term unemployed, old-age pensioners, disabled, etc. Notwithstanding this fact, the ÚSVRK realises that these data do not give clear testimony regarding Roma. The absence of relevant data limits possibilities to review or improve existing mechanisms and measures, which currently influence the consequences for the Roma population, including Roma women, in key areas such as education, health, accommodation and employment.

A more complete overview and deeper analysis of the living conditions of Roma in Slovakia was produced in 2006 by the United Nations Development Programme (UNDP) Regional Bureau for Europe and the Community of Independent States in its survey entitled "*Report on the Living Conditions of Roma Households in Slovakia*", which selected Roma households based on data from the 2004 sociographic survey of Roma settlements. The introductory section of this material describes a situation of high level of dependency in Roma communities on social benefit payments, the impact of long term unemployment, through which Roma women and men lose the remnants of their employment qualifications, resulting in a widespread culture of poverty. Another monitored indicator was the extent to which active labour policy instruments are being used (i.e. requalification and training courses, activation work, etc.). The data and analysis confirm the reality that, within the most vulnerable groups of society, the Roma population is the most threatened by poverty and social exclusion. The research was carried out in 720 Roma households, drawn from segregated, separated and dispersed households.

In the context of information about measures aimed at the implementation of the recommendations issued by the Human Rights Committee regarding Roma women (CCPR/CO/78/SVK), we believe it is necessary to state that, on the basis of Slovak Government Resolution No. 1005/2006, the ÚSVRK was assigned to coordinate the horizontal priority of marginalised Roma communities, which means that the issue of Roma communities was turned into a topic cutting across all the Operational Programmes and will therefore be dealt with in a comprehensive manner. This approach highlights the need for cooperation in partnership, creating room and opportunities to increase the involvement as well as the direct participation of Roma in the processes geared towards the creation and implementation of development programmes.

In cooperation with key stakeholders, the ÚSVRK would like to **update statistical information about the Roma population**, so as to map the educational level, housing problems and the related infrastructural challenges, the level of health care, employment, and of Roma participation in public and political life, etc.

As a strategic partner, the ÚSVRK participates in the preparation of strategic documents and policy papers related to education (including the Upbringing and Education of National Minorities Policy, the Policy on Upbringing and Education of Roma Children and Pupils, Including the Development of Secondary and University-level Education, and the National Action Plan for the Fight Against Human Trafficking (2008-2010).

**19.** In the National Action Plan - **Education** (NAPE) the needs of Roman women and girls (gender equality) is defined in two goals:

- Increasing the percentage of Roma children attending secondary school.

- One of the support mechanisms for this goal is the provision of scholarships for Roma pupils. There is also support for projects aimed at the smooth and successful transfer of Roma children into high school, for example through remedial teaching, though these activities have only a complementary character.

- Support for life-long learning of Roma who failed to complete any school, so as to increase their employability (including career counseling).

- The systemic instruments include the “Second Chance Schools” programme as well as the “Completing Primary School” project which make it possible to complete the national primary education curriculum.

*Since the NAPE specifies no specific financial cost, it is impossible to comment adequately on the funding available for these activities, because the National Action Plan is based on the priorities of the Policy on Integrated Education of Roma Children and Youth Policy Including the Development of Secondary and University-level Education, for which priorities the amount of SKK 230,299,079.- was set aside .*

In the National Action Plan - **Employment** (NAPEmp) the gender equality is also defined in two goals:

- Equal treatment of all citizens disregarding ethnic origin
- Increased employability of disadvantaged groups of job seekers in the labour market

*The NAPEmp only contains financial costs for the year 2005 (total financial cost amounting to SKK 982,172.845).*

The National Action Plan – **Accommodation** defines no goals related to the issue of gender equality

The National Action Plan - **Health** (NAPH) defined three goals related to gender equality:

- An analysis of the health and health awareness of the Roma Community in Slovakia
- Better use of the existing health care network by the Roma minority
- Improving the sexual health of Roma

All three goals reflect measures resulting from the PHARE project “*Improving Access to Health Care for Roma Communities in the Slovak Republic*”, implemented in 2004-2006 by the Ministry of Health of the Slovak Republic, in the framework of which field medical assistants were trained to work with the inhabitants of Roma communities. These positions have been renamed to “Community Medical Assistants”, which is the term currently in use. These assistants work within certain territories, however, with a total of only 30 assistants, the Roma community remains medically underserved.

*The financial cost related to the implementation of the goals set forth in the NAPH amounted to SKK 38,208,000.-for the years 2005-2006, of which SKK 32,508,000.- went towards the above-mentioned project.*

**20.** This question to some extent duplicates question 18, or rather the answer to that question, in that relevant statistical data do not exist. In Slovakia, compulsory education lasts 10 years, and girls therefore cannot be excluded from the school system during this period. Girls who for various reasons (such as motherhood) cannot attend primary schools on a full-time basis may, in agreement with the headmaster of the school, continue with their education on the basis of an individual learning programme, in accordance with the provisions of Act No. 29/1984 Coll. on the System of Primary and Secondary Schools (the School Law), as amended. If the girls are 16 years of age or older without having received the education provided at primary level, they may, based on the above-mentioned law, obtain that education through courses at primary or secondary schools.

Roma, including Roma women, do not have problems concerning their personal identification documents (birth certificate, national identity card).

## Employment

**21.** Slovak labour legislation offers a sufficient number of possibilities for working citizens to reconcile their work with their obligations and responsibilities towards family, children and senior or dependent persons. However, insufficient use or lack of respect for these legal provisions remains a problem. The National Labour Inspectorate therefore carried out 240 inspections in 2006 and 160 in 2007, with the goal of strengthening equal opportunities, and reconciliation of professional and family life.

Where minor shortcomings are found, the inspectors prefer to advise employers on how to eliminate these shortcomings. In more serious cases of violations of laws or other regulations, in addition to giving advice, the inspectors make a written report and determine a date by which remedial action must be taken. Where employers fail to comply with prescribed measures, financial penalties are imposed. The organisation subject to inspection may appeal the penalties imposed by a Regional Labour Inspectorate to the National Labour Inspectorate, and then to a court in the next instance.

Penalties are determined in accordance with Act No. 125/2006 Coll. on the Labour Inspectorate, depending on:

- (a) gravity of the violation and the consequences (discrimination is considered to be a serious violation),
- (b) number of employees of the employer,
- (c) whether or not the violation is the result of a poor system, or an accidental mistake,
- (d) whether the violation is a recurring or a one-off event.

Where a financial penalty is imposed, the reasons must be clearly stated, whereby the amount of the penalty is determined by a Commission and the Chief Inspector.

In 2007, the penalties for violations of regulations concerning equal opportunities averaged SKK 10,000.- and a totalled around SKK 120,000.

**22.** The social situation of older women in the economic field is closely related to their income, and then to the welfare services, which can be provided to them, should they depend on such services.

The following table presents the rate of employment of women aged 55-64, compared to men of the same age:

Rate of employment in percentage	2005	2006
men	47.8	49.9
women	15.6	19.0
total	30.3	33.2

Source: Ministry of Labour, Social Affairs and the Family of the Slovak Republic, 2007

The low rate of employment of women aged 55 to 64 is related to the previous system of retirement pensions, in which the age of retirement for women was significantly lower than for men, and depended on the number of children brought up. The gap between the pensions received by men and women is even greater than the work-related pay gap between men and women. The gender pay gap currently stands at 27 per cent. Statistics from the 1990s suggest that the risk of poverty is much higher for women than for men, and women are much more likely than men to have recourse to the minimum guaranteed income.

In the interest of promoting equality between men and women in the pension system, the following changes were made:

- (a) according to the Social Insurance Act, the State pays the social insurance contribution for any individual who personally cares on a full-time basis for a child under the age of six, or a child with a long-term adverse health condition under the age of seven,
- (b) the retirement age for men and women will be equalised at 62, over the 2004 – 2006 period for men and 2004 – 2014 for women,
- (c) the same actuarial tables will be used to calculate pension benefits for men and women,
- (d) equal treatment of mothers and fathers.

If older women find themselves in a situation where they need to rely on welfare by reason of age, illness or another cause, a variety of welfare services are available. Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection Against Discrimination and On Modification and Amendment of Certain Other Laws (the Anti-Discrimination Law) guarantees all citizens an equal right to welfare services, as laid down in the Social Assistance Act. For this reason, there are no laws or regulations specifically governing the social assistance to older women.

**Social services are special activities designed to provide relief in social distress (a state where the citizen cannot take care of him or herself without assistance, take care of his or her household, defend and exercise his or her rights and his or her interests protected by law, or is deprived of contact with the social environment, particularly because of age, adverse health condition, social inadaptability or loss of employment). The main purpose is to provide for non-financial benefits. The following social services are provided in particular:**

- a) day care
- b) collective meals
- c) transport services
- d) care in welfare facilities (retirement homes, assisted living establishments, day care establishments, Houses of Social Services, sheltered housing establishments, residences for single parents, day care stations, refuges, rehabilitation centres, pensioners' clubs, pensioners' canteens, personal hygiene centres, washrooms)
- e) social loans.

Statistical surveys pick up the gender of the beneficiaries. In 2005 there were 9,917 female residents of retirement homes and assisted living establishments (establishments for senior citizens), which is 68 per cent of all residents in these establishments.

Type of establishment	Residents at 31.12. 2005	of which:		
		Persons of retirement age	men	women
Retirement homes	13,012	12,289	4,342	8,670
Assisted living establishments	1,641	1,636	394	1,247
<b>Total</b>	<b>14,653</b>	<b>13,925</b>	<b>4,736</b>	<b>9,917</b>

Source: Slovak Statistical Office

**The gender of employees of social care providers is also recorded. At the end of 2005, social service establishments falling under the responsibility of municipalities and self-governing regions counted 12,168 employees, of which 10,486 women, which accounts for 86 per cent of all employees.**

**23.** In mortgage and commercial banks, the gender of the applicant is not taken into account in requests for a loan or a mortgage. The risk departments look at the creditworthiness of the client, his/her solvency, any records in the credit registry, and the number of years remaining until the applicant reaches retirement age.

**24.** Regarding childbirth and care for a new-born child, according to the Labour Code, women are entitled to maternity leave of 28 weeks, and if a woman gives birth to two or more children at the same time, or if she is a single mother, her entitlement to maternity leave is extended to 37 weeks. Regarding care for the new-born child, a father is entitled to the same amount of parental leave, if he is the one caring for the new-born child.

If a father had sickness insurance, then in the specific circumstances listed in Act No. 461/2003 Coll. on Social Insurance and for a period of 22 weeks, he can claim sickness benefits (maternity allowance). A father may also claim maternity allowances if for example the mother of the child dies, or if, for health reasons, she cannot take care of the child, or if the father and mother so agree. In the last case, however, the father may replace the mother on maternity leave no earlier than six weeks after childbirth – in other words, upon the lapse of period in which the birth mother has an exclusive right to claim maternity allowances. A father's right to maternity allowances depends on him fulfilling the same conditions as the mother. Maternity allowances represent 55 per cent of the pay from which the parent previously paid unemployment insurance.

**For extended care, an employer is obliged to provide any mother or father who so requests with parental leave, for the period until the third year of birth of the child, or the sixth year of birth of a child with a long-term adverse health condition requiring special care. During paternity leave, Act No 280/2002 Coll. on Parental Benefits, as amended, the parent is entitled to a parental allowance, which is a state social benefit. The state provides parental allowances to**

ensure adequate care of a child until the third year of birth of the child, or the sixth year of birth of a child with a long-term adverse health condition requiring special care, or the sixth year of birth of a child placed in foster care, though in this case until no later than the third anniversary of the finality of judgement placing the child into foster care. The provision of the parental allowances is conditional on the parent providing full-time care for the child, and the permanent residence of both the parent and the child within the territory of the Slovak Republic (in the case of foreign citizens, temporary residence is also acceptable). A parent who meets these legal conditions is eligible for paternal allowances after the end of the period of reception of maternity allowances; a parent who was not eligible for maternity allowances is entitled to paternal allowances from the date of birth of the child. The parental allowance is 4,560 SKK per month. Which parent receives the parental allowance depends exclusively on the decision of the parents or agreement between them. The parents have the right to alternate in claiming this allowance during the whole period, up to the third or sixth year of birth of the child (according to the length of eligibility outlined above).

Although current legislation provides equal conditions and possibilities for the father and the mother of a child to exercise the right to parental allowances, there is only a very small number of fathers who opt for this possibility. According to statistics for September 2007, from a total of 134,238 recipients of parental allowances, there were 2,617 fathers, which is 1.95 per cent.

## Health

25. Sterilisation and its definition is treated in the Penal Code and in Act No. 576/2004 Coll., on Health Care, section 40:

*(1) For the purposes of this Act, sterilisation is prevention of fertility without removing or damaging the gonads of the person.*

*(2) Sterilisation may only be carried out on the basis of a written request and an informed written consent, subject to prior advice given to a person with full legal capacity or to the legal guardian of a person lacking legal capacity to give informed consent, supported by the written request and informed consent of such person, along with a court decision issued on the basis of a request filed by the legal guardian of a person without legal capacity.*

*(3) The advice to be given before informed consent must be provided in a manner laid down in section 6(2) and must include information on*

- a) alternative methods of contraception and planned parenthood,*
- b) possible change in the circumstances which led to the request for sterilisation,*
- c) the medical consequences of sterilisation, as a method which seeks to irreversibly prevent fertility,*
- d) the possible failure of the sterilisation process.*

*(4) The request for sterilisation is submitted to the health care provider who is to carry out the sterilisation. A woman's request for sterilisation is assessed by a physician specialised in gynaecology and obstetrics, a man's request for sterilisation is assessed and the sterilisation carried out by a physician specialised in urology.*

(5) *Sterilisation may not be carried out sooner than thirty days after the informed consent.*

**The dissemination of the new elements of legislation is ensured in part by the publication of every new legal measure on the website of the Ministry of Health of the Slovak Republic, and in the Collection of Laws of the Slovak Republic, and it is the duty of every health worker to follow, understand and respect this legislation in practice. New legislation includes provisions to ensure regular and thorough monitoring of sterilisation. Sterilisations are reported in health reports on out-patient services and institutional healthcare as “other type of contraception”.**

26. A thorough revision of the sterilisations carried out in Slovakia has been performed, particularly of members of marginalised groups of the population and the results of the revision are presented in an extensive final report. Not one case of illegal sterilisation in the Slovak Republic was identified, yet shortcomings in the registers and in medical documentation were identified, most commonly in cases where sterilisation was acute in conjunction with the termination of a risky pregnancies (caesarean section following major bleeding, etc).

Since judicial proceedings are still underway in this connection, the answer to this question cannot be provided as yet.

27. The Committee for the Rights of the Child recommended to set up the following establishments: “Arms of Protection – Keep me, mummy!” (*„Náruč záchrany“ - nechaj si ma mama*), “Cradle of Protection – Donate me, mummy!” (*„Kolísku záchrany“ - daruj ma mama*) and “Nest of Protection – public incubators for unwanted newly-born babies” (*„Hniezda záchrany“*). Thirteen “Nests of Protection” have so far been established in Slovakia (Bratislava–Petržalka, Bratislava–Kramáre, Žilina, Prešov, Nové Zámky, Nitra, Trnava, Ružomberok, Banská Bystrica, Košice, Rožňava, Dolný Kubín, and Spišská Nová Ves). Thanks to these establishments, 14 children were saved by the end of August 2007, and the number of dead, unwanted children for the year fell from 20 to 3. On the basis of the implementation of the “European Strategy for Child and Adolescent Health,” the Ministry of Health of the Slovak Republic is preparing a National Programme for Child and Adolescent Health.

According to the law on social and legal protection of children and on social trusteeship, all entities carrying out measures in the field of social and legal protection of children or social trusteeship are obliged to ensure that the rights of the child are not threatened or infringed. According to this law, all these entities must ensure for the child such protection and care as is essential for its wellbeing and protection of its legally protected interests, while respecting its rights under the Convention on the Rights of the Child. Everyone has a duty to alert the body responsible for social and legal protection of children and social trusteeship whenever a child’s rights are infringed. The authority for social and legal protection of children and social trusteeship, another state authorities competent to protect the rights of children and their legally-protected interests, establishments, municipalities, self-governing regions, accredited entities, schools, and educational establishments of health care providers are required to provide the child with immediate aid to protect life and health, and to carry out necessary measures to protect the rights and legally protected interests of the child, including by the mediation of such aid.

The authority for social and legal protection of children and social trusteeship, in carrying out measures for the social and legal protection of children and social trusteeship for infants must proceed in accordance with the valid domestic regulations and with international conventions related to the

protection of the rights of the child. On the basis of these documents, the protection of the rights and the legally-protected interests of the child are considered to be the most important element in any decisions taken in relation to the child.

**The authority for social and legal protection of children and social trusteeship implements, on a continuous and consistent basis, such measures as are necessary for the protection of the life, health and favourable development of the child. Constant, complex care for the child in urgent cases is ensured by emergency service teams made up of employees of the various institutions for social and legal protection of children and social trusteeship.**

If a child is without any form of care, or if its life, health or positive mental, physical or social development is seriously threatened or disturbed, the authority for social and legal protection of children and social trusteeship in the district where the child is located is obliged to submit to the courts, without delay, a proposal to take temporary measures, according to specific regulations, to ensure that the basic needs of the child are met and that the child is placed in a children's home; the authority for social and legal protection of children and social trusteeship is also obliged to ensure that the child is placed in a children's home in cases where it has not petitioned the court with a request to issue a preliminary ruling according to specific regulations, but where the court so requests.

In filing a request for preliminary ruling, the authority for social and legal protection of children and social trusteeship identifies a natural person or legal person into who's care the child will be temporarily placed, taking into consideration the maintenance of family relations and the child's family relationships.

### **Provision of a substitute family environment for children**

Mainly the Family Act regulates the question of substitute family care. The issue entails a number of specifically regulated, mutually related and interdependent temporary measures which substitute direct parental care for a minor in situations where parents themselves do not or cannot ensure this care. Substitute care can only be ruled on by a court decision. It is understood to mean the entrusting of a minor to the personal care of a natural person other than one of the child's parents (hereinafter "substitute personal care"), foster care and institutional care. In deciding which form of substitute care to impose, the court always takes account of the interest of the minor. Substitute personal care or foster care is preferred to institutional care.

If it is not possible to place a child in substitute personal care, the authority for social and legal protection of children and social trusteeship facilitates the placement of the child in foster care, or adoption (hereinafter "substitute family care").

In the interest of strengthening substitute family care, including the system of foster care, new legislation was adopted in 2005 (Act No. 627/2005 Coll. on Support to Substitute Care of Children, which came into effect on 1 January 2006). This law regulates the provision of financial contributions as a form of state support to substitute care of children, in situation where care is provided by a natural person other than one of the child's parents. One of the priorities of this legal reform was to put in place conditions conducive to the development of substitute personal care, which had not previously received state support. As the following table shows, this goal is being successfully realised.

## Types and amounts of certain benefits:

Type of benefit (including foster care)	Age of the child	Until 31.12.200 5	From 1.1.2006
		Amount in SKK	
One-off contribution on placement of a child into substitute care	0-6	5 840	8 840
	6- 15	7 180	8 840
		7 650	8 840
One-off contribution on cessation of substitute care		7 650	22 100
Regular benefit per child	0-6	2 340	3 320
	6- 15	2 880	3 320
	15 +	3 070	3 320
Regular benefit to a substitute parent		1 430*	4 230**
Special regular benefit to a substitute parent caring for a child with a serious health problem		—	1 740

Source: Ministry of Labour, Social Affairs and the Family of the Slovak Republic, 2007

**Notes:**

\* for each child entrusted to the care of a substitute parent

\*\* fixed amount, without regard to the number of children entrusted to the care of the substitute parent. +3,000 SKK per month if the substitute parent is entrusted with three or more siblings

The provision of a substitute family environment, as part of the implementation of measures for the social and legal protection of children and social trusteeship following the adoption of the Act on Social and Legal Protection of Children and Social Trusteeship, can be evaluated through comparative statistics for 2006 and previous years, when the social and legal protection of children and social trusteeship were carried out according to previous legislation.

**Number of children placed with substitute families (2001-2006)**

	<b>Adoption (placed in pre-adoption care)</b>	<b>Substitute personal care</b>	<b>Foster care</b>	<b>Guardianship</b>	<b>Total</b>
2001	253	604	414	145	<b>1416</b>
2002	261	565	418	127	<b>1371</b>
2003	317	693	460	101	<b>1571</b>
2004	294	626	495	237	<b>1652</b>
2005	271	708	480	174	<b>1633</b>
2006	336	1144	365	179	<b>2024</b>
Comparison with 2005	(+65)	(+436)	(-115)	(+5)	<b>(+391)</b>

Source: Ministry of Labour, Social Affairs and the Family of the Slovak Republic, 2007

The effective use and combination of the measures introduced by the new legal reform, and the flexibility of the Offices of Labour, Social Affairs and the Family (available 24 hours a day) have resulted in a significant increase in the number of children entrusted into the care of their future adoptive parents.

Where it is not possible to place a child in substitute personal care, nor to facilitate placement in a substitute family care, the child must be secured a place in an establishment, on the basis of a court decision. Children's homes are one such type of establishment.

Children's homes are establishments for social and legal care of the child and social trusteeship, appropriate for the implementation of three types of court decision:

- A court decision imposing institutional care (where the child cannot be entrusted to substitute personal care or foster care, and where other educational measures have not lead to correction),
- A court decision to issue preliminary ruling (preliminary ruling issued by the court pending final judgement in the case),
- A court decision imposing corrective measures (protective ruling by the court in cases where measures of a softer nature failed to remedy the child's unfavourable situation; corrective measures may be imposed for a maximum of six months; on expiry of this period the court will assess the effectiveness of the measures and, depending on the results, may decide to impose some other educational measure).

A children's home replaces the child's natural family environment, taking into account the temporary nature of the child's placement in the establishment. Act No. 305/2005 Coll. obliges the founders of children's homes to create, by 31 December 2006 conditions such that every child would be placed with a professional care family within one year of the diagnosis. By 31 December 2008, all children's homes must be organised in such a way that every child under the age of three is placed with a

professional care family (except for those children who's health conditions make this impossible). The temporary placement of children in children's homes enables a systematic monitoring and evaluation of the implementation of official decisions, and of measures to stabilise the child's family environment, including financial measures (such as, for example, payments to parents to cover their travel costs to the children's home, or the cost of food during the child's visits home, weekends, school holidays, etc).

In children's homes, institutional care is carried out by professional families or in independent diagnostic groups, in independent groups or in specialised independent groups for a fixed number of children, with their own cooking, household management and budget. In a professional family, care is ensured by a married couple, employees of the children's home, or another natural person employed by the children's home. A professional family headed by a married couple may be entrusted up to six children. If there is only one professional parent, up to three children may be placed in his/her care. An independent diagnostic group provides care for a maximum of eight children, with a minimum of four tutors and specialist staff (diagnosis), and one additional employee (for example, an assistant tutor). An independent group or specialised independent group provides care for up to ten children, with two to four tutors and one additional employee. Children up to three years of age are placed in groups with no more than six children, and a minimum of four tutors and/or nurses and one additional employee.

A children's home must prepare an individual personality development plan for each child. This must include an educational plan for the child, and a social work plan for the child and its family. These plans are elaborated in cooperation with the municipality and the institution of social and legal care of the child and social trusteeship, or in cooperation with another accredited subject. The individual plan for the child's personality development must be evaluated at least monthly. Where a child has a serious health problem, the individual personality development plan must include a rehabilitation programme, with the goal of activating the child's internal abilities to overcome the personal and social consequences of this serious health problem.

### **Optional Protocol**

**28.** The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women has been published in the Collection of Laws of the Slovak Republic as Act No. 343/2001. A seminar entitled "*The United Nations and protection of women's human rights*" was held at the Ministry of Foreign Affairs of the Slovak Republic, to present this legislation to the public. The participants in the seminar included specialists on the issue of gender equality, who enabled the public to understand the integrated development of gender equality within the United Nations system, and the important role of the Convention and its Optional Protocol as legal instruments for eliminating discrimination against women. A representative of women's NGOs also participated in the seminar, which helped create a suitable environment for the exchange of views, while also revealing certain shortcomings to which the Slovak government will have to give appropriate attention in the future.

**29.** Accession to the modified Article 20 Paragraph 1 of the Convention is still in the process of thorough deliberations by the Ministry of Foreign Affairs and the Ministry of Labour, Social Affairs and the Family of the Slovak Republic.