

Observations

of the Slovak National Centre for Human Rights on the Fifth and Sixth Periodic Reports of the Slovak Republic to the UN Committee on the Elimination of all Forms of Discrimination against Women

The Slovak National Centre for Human Rights (SNCHR) is a national human rights institution established in the Slovak Republic, accredited with status B by the International Coordinating Committee of National Human Rights Institutions. As an NHRI, the SNCHR is a member of the European Network of NHRIs (ENNHRI). The SNCHR was established by the Act of the Slovak National Council No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights. Pursuant to Act No. 365/2004 Coll. on Equal Treatment in Some Areas and on Protection from Discrimination, and on amendments and supplements of certain acts, as amended (the Anti-discrimination Act) the SNCHR acts also as the only Slovak equality body. As an NHRI and Equality Body, the SNCHR performs a wide range of tasks in the area of human rights and fundamental freedoms including the rights of the child and observance of the principle of equal treatment. The SNCHR among other powers:

- 1) monitors and evaluates the observance of human rights and the observance of the equal treatment principle;
- 2) conducts research and surveys to provide data in the area of human rights; gathers and distributes information in this area;
- 3) prepares educational activities and participating in information campaigns aimed at increasing tolerance of the society;
- 4) provides legal assistance to victims of discrimination a manifestations of intolerance;
- 5) issues expert opinions on matters of the observance of the equal treatment principle;
- 6) performs independent inquiries related to discrimination;
- 7) prepares and publishes reports and recommendations on issues related to discrimination;
- 8) provides library services and services in the area of human rights.

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Introduction

- The SNCHR welcomes the opportunity to submit its observations to the Committee on compliance of the Slovak Republic with the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). This NHRI report seeks to underline the key achievements and remaining significant challenges for the implementation of CEDAW in the Slovak Republic as perceived by the SNCHR.
- 2. The SNCHR welcomes the efforts made by the Slovak Republic to promote the rights of women during the monitoring period, which led to several significant achievements advancing the protection of human rights of women in Slovakia. These developments include for instance:
 - The adoption of the National Action Plan for the Prevention and Elimination of Violence against Women for the years 2014-2019, which aims to create, implement and coordinate a comprehensive national policy. The SNCHR considers the insufficient cooperation of relevant actors providing help for the victims of violence against women together with the insufficient prevention from this kind of violence to be one of the most significant challenges in preventing and eliminating the gender-based violence. Hence, the SNCHR welcomes the adoption of the National Action Plan and believes that it would lead to further advancement of women rights in Slovakia.
 - The adoption of the National Strategy for Gender Equality in the Slovak Republic for the years 2014-2019 and the National Action Plan for Gender Equality in the Slovak Republic for the years 2014-2019, which were adopted by the Resolution of the Government of the Slovak Republic No 574 of 20 November 2014.
 - The signature by the Slovak Republic of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on 11 May 2011.
 - A national campaign "Ked' vyrastiem" (When I Grow Up) realized within the National project Gender Equality Institute founded under the Operational Programme Employment and Social Inclusion, which raises awareness concerning gender pay gaps.
- 3. The SNCHR is, however, concerned about several areas, where a significant scope for improvement remains. The remaining problems in advancing women's rights, further elaborated on in this NHRI report, include:
 - A problem of multiple discrimination, particularly on the ground of gender in connection with the ground of age or ethnicity;
 - Issue of violence against women and the ratification of the Istanbul Convention;
 - Participation of women in political and public life and decision-making;
 - Unequal access to employment in practice;
 - Insufficient use of temporary equalising measures in order to balance gender inequity;
 - Gender pay gaps and pay discrimination of women;
 - Pregnancy related discrimination.
- 4. The SNCHR is ready to provide any further information, clarification and assistance to the Committee any time before, during or after the session within which the state report of the Slovak Republic is to be reviewed.

Multiple discrimination (Art. 2, Art. 11)

- 5. One of the problematic issues of gender equality in Slovakia is related to multiple discrimination. Multiple discrimination refers to a situation, when a person is discriminated either on several grounds (intersectional multiple discrimination) or on various grounds in various areas (cumulated multiple discrimination). It can affect both genders. In Slovakia multiple discrimination often occurs with regards to gender related discrimination in situation when the ground of gender is accompanied by the ground of either age or ethnic origin.
- 6. A multiple discrimination on the grounds of *gender* and *age* is identified particularly with regards to young women in the age perceived as an age to raise children and in with regards to older women. This discrimination has negative impact on access to employment and in the employment area as such, including maintaining employment, pay conditions, remuneration and redundancies. Concerning older women, it is very common to inquire about the age of a woman by a potential employer already during phone invitations for a job interview.
- 7. A multiple discrimination on the grounds of *ethnicity* and *gender* is a problem faced particularly by Roma women. In general, although the Slovak anti-discrimination legislation prohibits discrimination on ground of membership of a national minority or ethnicity, in practice there is a wide discrimination of both Roma men and women in the area of employment resulting from the reluctance and fear of employers to employ Roma people. A high unemployment rate of Roma results from several factors, including primarily their social exclusion but also from low qualification of Roma, low work ethic and prejudices.
- 8. A higher unemployment rate of Roma women as compared to Roma men mirrors the issue of a multiple discrimination of Roma women on the grounds of gender and ethnicity. Roma women are perceived in the society as mothers of several children and women who get pregnant prematurely. Also within Roma communities it is expected that a woman would subordinate herself to her husband, that she would be primarily a mother, which leads to economic dependence of the woman on her husband. The listed facts are not solely related to the area of employment but are part of a more complex problem resulting to several negative aspects- bad social situation, poverty, social exclusion, increase of violence etc.
- 9. In 2011, the SNCHR conducted a survey concerning the observance of antidiscrimination legislation targeting job advertising, which among others revealed a frequent tendency to unfoundedly request photos of job applicants. Such requirements were present in relation to e.g. a job position of a store-keeper, which can point out to a hidden discrimination against Roma people, since a personal photo can enable an employer to identify the membership of a person to Roma minority.
- 10. Despite the above-mentioned facts, the Slovak legislation, in particular the Act No 365/2004 Coll. On Equal Treatment in Some Areas and Protection from Discrimination (Anti-discrimination Act), does not define and regulate multiple discrimination.

Recommendation 1:

That the Committee recommends the Slovak Republic adopt the necessary legislative measures in order to sanction multiple discrimination.

Violence against Women (Art. 6, Art. 5a, Art. 2)

- 11. Recognised as one of the key achievements in advancing women rights in Slovakia in the introduction to this NHRI report as well as referred to in the 5th and 6th periodical reports of the Slovak Republic, one of the positive steps taken to eliminate violence against women was the signature by the Slovak Republic of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) on 11 May 2011.
- 12. The Slovak Republic was one of the first states to sign the Istanbul convention. The Slovak Republic declared, for instance in the National Action Plan for Elimination and Prevention of Violence against Women in the Slovak Republic for the Years 2014 2019, that the ratification of the Istanbul Convention should be done by the end of the year 2013. This Convention is, however, still not ratified by the Slovak Republic. Pursuant the available information, the ratification was postponed until 2016.

Recommendation 2:

That the Committee recommends the Slovak Republic fully ratify and implement the Istanbul convention without undue delay.

- 13. The SNCHR considers awareness—raising as an appropriate measure to eliminate stereotypes in the society. In terms of stereotyping, a current problem in the Slovak Republic relates to the term "rodová rovnost" (gender equality/mainstreaming), which refers also to equality between women and men. Some groups of civil society (including their representative NGOs) consider gender equality as a threat to traditionalism. As a result they refer to the term "rodová ideológia" (gender ideology). The word ideology is in the Slovak society generally understood as something unrealistic, mostly connected with the wrong ideas. Due to this, they seek to block policy documents mentioning gender equality or gender mainstreaming. For instance both the ratification of the Istanbul convention and the National Action Plan and National Strategy for Gender Equality in the Slovak Republic for the years 2014 2019 were opposed respectively.
- 14. The SNCHR believes that a way to overcome the misrepresentation and misunderstandings related to gender equality and its mainstreaming would be a nationwide campaign explaining these concepts in order to eliminate stereotypes that gender equality and mainstreaming are threats or dangerous ideologies.

Recommendation 3:

That the Committee recommends the Slovak Republic increase the awareness-raising activities aiming to tackle the misinterpretation of the concept of gender equality.

15. One of the declared commitments of the Slovak Republic in relation to tackling violence against women and providing help to its victims is to establish a non–stop free helpline founded by the state. Despite the fact that this commitment has been declared for a long period of time, such a



helpline has not yet been established. There are several NGOs providing such a service, but it is limited by working hours of the NGO employees. The establishment of the helpline is now planned for February 2015.

- 16. As mentioned in the 5th and 6th periodical reports of the Slovak Republic, Slovakia still does not have enough shelters for women who experienced violence. Currently, there are 52 subjects providing social services to victims of domestic violence in the country. The Slovak Republic is trying to increase this number as well as the standards of such shelters; unfortunately the efforts do not have any significant effects.
- 17. Another problem with shelters for women results from an unawareness of citizens concerning violence against women. In one district of the Slovak city of Prešov the citizens signed a petition against an opening of a shelter for women and children who experienced violence. According to the initiators of the petition, the main reason to oppose against the shelter was a fear from a crime increase or from an occurrence of differentiation of social groups in the district.

Recommendation 4:

That the Committee recommends the Slovak Republic allocate higher amount of financial resources to improve and create shelters for women who experienced violence.

Recommendation 5:

That the Committee recommends the Slovak Republic intensify awareness—raising activities on violence against women in order to prevent and eliminate its occurrence in the society.

18. Roma women are most commonly the victims of a gender-motivated violence. In a part of Roma community a woman becomes inferior to a man after entering into a marriage, she becomes benevolent to a behavior which can be marked as violence or domestic violence. This kind of behavior is perceived as a part of social norms of Roma communities. If a woman decides to resist her husband, it would be considered contrary to the tradition of the community.

Recommendation 6:

That the Committee recommends the Slovak Republic cooperate with social workers, medical social workers, assistants of teachers, Roma leaders and other stakeholders directly working within Roma communities with an aim to raise awareness of Roma people on human rights, women rights as well as reproduction rights and to prevent violence against women.

Participation in political and public life and decision-making (Art. 7)

19. Participation of women in politics is one of the most critical issues of gender equality in Slovakia. A low proportion of women in the highest political functions is a long-term trend and

does not copy their majority proportion of the Slovak population. The actual state of participation of women in the highest political bodies in Slovakia reveals the persistent factual political marginalization of women. Gender aspects in the formation of government are very limitedly taken into account and a question of parity participation of women in the Slovak executive branch has never been opened.

- 20. In 2014, 15 candidates run in the presidential elections in Slovakia. Only one of them was a woman, who did not, however, pass to the second round.
- 21. Currently, all three of the highest constitutional bodies (president, speaker of the National Council of the Slovak Republic and the Prime Minister) are held exclusively by men. Minority representation of women is significant in the majority of top level and central bodies of state administration. A current composition of the government comprises of no women. Only one of the state secretaries is a woman.
- 22. With regards to proportion of women members of the National Council of the Slovak Republic, in 2012 parliamentary election 26,2% of running candidates were women and only 14 women were elected (16% of the total number of MPs).
- 23. A representation of women is also low at local levels of government. None of the 8 mayors of self-governing regions (elected in November 2013) is a woman. A proportion of women members of parliaments of self-governing regions is 15,7 %. In 2014 municipal elections a proportion of women candidates for mayors (8 763 in total) was one fourth (2 145). Compared to 2010 municipal election, the number of elected women mayors increased by 20 (from 653 to 673). From 8 mayors of capital cities of self-governing regions, only one is a woman.
- 24. Several factors can be identified as barriers for women to enter politics, including social and cultural climate of the society, practices of political parties and political culture as such. Gender differences can be also seen in types of activities, in which women and men participate. Men participate in public debates and political activities more significantly at individual bases as compared to women who get involved more in charity. Family and the position of women within a family are repeatedly perceived as the most significant barrier for women to enter politics. It is also believed that the low representation of women in decision-making position is caused by systematic efforts of men to keep power.
- 25. The SNCHR believes that in order to eliminate gender imparity in politics it is crucial to increase public awareness on gender equality, tackle gender stereotypes through education while strengthening human rights and women human rights education. It is highly recommended by the SNCHR to support a debate leading to a possible introduction of informal or formal quotas, publish informal quotas of women participation in candidate lists of political parties and to increase and regularly evaluate the possibilities for women participation in decision-making positions.
- 26. Despite the persistent power asymmetry, no relevant legislation securing gender balance in political representation has been adopted. A legislative regulation of a proportional representation of women in candidate lists (the so called quotas) enjoys a very low acceptance and support in Slovakia.

Recommendation 7:

That the Committee recommends the Slovak Republic commit to raising awareness on gender equality addressing low representation of women in politics and seeking to stimulate public debate in order to create public pressure towards political parties to pay attention to issues of gender equality in political decision-making.

Recommendation 8:

That the Committee recommends the Slovak Republic consider amending electoral laws in order to secure parity representation of women in politics and within political parties.

Employment (Art. 11, Art. 4)

- 27. One aspect related to discrimination of women in the area of employment is a higher unemployment rate of women as compared to men. This undoubtedly results also from the traditionally perceived social roles of women (i.e. to be a mother, a housewife, to care for elderly members of the family etc.). In terms of this, the SNCHR refers particularly to para. 200 of the 5th and 6th periodical reports of the Slovak Republic, which shows the employment rates and differences between men and women. In total the unemployment rate differs by 15,5%.
- 28. The SNCHR believes that the way to tackle higher unemployment rate of women as such and in particular of Roma women, public bodies as well as private sector entities shall made a use of temporary equalising measures regulated under Article 8a of the Antidiscrimination Act. The SNCHR regrets to state that the adoption of temporary equalizing measures by certain public bodies and by almost all requested private companies (addressed by the SNCHR within preparation of its report) has been realized very limitedly.
- 29. The 2013 amendment of the Antidiscrimination Act has broadened the institute of temporary equalizing measures. Since 1 April 2013 these can be adopted by a broaden range of legitimate subjects (all public bodies including municipalities, self-governing regions but also private entities) as well as the possible addressees of such measures. Hence, since 2013 temporary equalizing measure may also be adopted in order to eliminate all forms of social or economic advantages or disadvantages based on gender.
- 30. The SNCHR would recommend the legitimate subjects to implement effective measures to support the integration of Roma women into the labour market and to regularly monitor and evaluate the effectiveness of these measures. In these regards, it is also recommended to support projects aimed at strengthening the status of Roma women and of women in particularly vulnerable positions.

Recommendation 9:

That the Committee recommends the Slovak Republic support implementation of temporary equalizing measures pursuant to the Antidiscrimination Act not only by state actors but also by private actors.

Gender Pay Gap (Art. 11)

- 31. Another significant challenge in relation to gender equality in the area of employment is the pay gap between men and women in the Slovak Republic. Despite the legislative prohibition of pay discrimination on grounds of gender, the gender pay gap reached 17,9% in Slovakia in 2013. The differences are particularly to be found in the private sector.
- 32. As highlighted in the introduction to this NHRI report, the SNCHR welcomes the campaign called "Ked" vyrastiem" (When I grow up) aimed at highlighting pay differences between men and women in Slovakia, which was introduced by the Department of Gender Equality and Equal Opportunities within the Ministry of Labour, Family and Social Affairs. The SNCHR believes that the campaign is an important awareness-raising tool and hopes that this effort would be followed by other policy measures aimed at decreasing the gender pay gap.

Recommendation 10:

That the Committee recommends the Slovak Republic continue with its efforts to tackle gender pay gap and with awareness raising activities to show employers that discrimination is not advantageous.

Pregnancy Related Discrimination (Art. 11)

- 33. Despite the explicit prohibition of discrimination on the ground of sex (including pregnancy related discrimination) regulated by the Antidiscrimination Act, pregnant women and mothers on maternity leave frequently experience discrimination in the area of employment either in relation to pay conditions, remunerations, unlawful terminations of labour contracts or others.
- 34. The SNCHR recognises the positive legislative changes in the protection of pregnant women from discrimination in labour relations. The cases handled by the SNCHR have, however, revealed that there is still a room for improvement, particularly concerning the legislative loopholes negatively affecting women in chain maternity leave (i.e. women, who within the period of a first maternity leave shall conceive another child).

Recommendation 11:

That the Committee recommends the Slovak Republic continue with its efforts in advancing in practice the protection of pregnant women, including women on maternity leave, in labour relations.

- 35. In terms of chain maternity leave, discrimination may occur with regards to the calculation base to the second maternity leave, due to the legislative loophole, in particular a vague wording of the provision of Art. 57 of the Act No 461/2003 Coll. on Social Security.
- 36. The issue of chain maternity leave and calculation of the contribution to maternity is regulated in above mentioned Article, according to which the calculation basis for the second (chain) maternity leave is determined by a likely daily assessment base of the insured person, which

- represents 1/30 of the tax base from which health insurance premiums for health insurance per calendar month in which the cause of providing sickness benefit arises.
- 37. Although the Act on Social Security defines an amount from which to calculate the allowance granted for maternal or paternity leave, relevant provisions of the Labour Code shall also be taken into account. Pursuant to Article 157 (2) of the Labour Code, an employee is entitled to benefit from any improvement in working conditions to which she/he would be entitled if she would not have been on maternity leave or parental leave under Article 166 (1) of the Labour Code. Consequently, it appears that after returning to work the employee has the right to equal pay, including all benefits and bonuses. In order to calculate the likely daily assessment base it would therefore be appropriate to considered the height of the average daily earnings of salary showing the results obtained prior to the onset of the first maternity leave increased by the amount by with the annual wage increase of the employee.
- 38. The SNCHR believes that in order to prevent a misuse of the identified legislative loophole the competent authorities shall legislatively clarify the material provision. To avoid discriminatory interpretations the authorities shall clearly and explicitly determine that in cases of chain maternity leaves the likely base of assessment for the purpose of calculating the contribution to the maternity is to be set to be calculated at least on the base that was used in the calculation of the contribution to the first maternity leave.
- 39. For more information please consult the Report on the Observance of Human Rights including the Principle of Equal Treatment and the Rights of the Child in the Year 2012 (pp.151-162); available at http://snslp.sk/CCMS/files/REPORT_HR_2012_PRINT_final-email.pdf.

Recommendation 12:

That the Committee recommends the Slovak Republic adopt appropriate legislative measures and undertake necessary policy measure to prevent and sanction pregnancy related discrimination and particularly the discrimination of women on chain maternity leaves.

List of Recommendations

The SNCHR advises that the Committee should recommend that the Slovak Republic:

- 1. adopt the necessary legislative measures in order to sanction multiple discrimination;
- 2. fully ratify and implement the Istanbul convention without undue delay;
- 3. increase the awareness-raising activities aiming to tackle the misinterpretation of the concept of gender equality;
- 4. allocate higher amount of financial resources to improve and create shelters for women who experienced violence;
- 5. intensify awareness-raising activities on violence against women in order to prevent and eliminate its occurrence in the society;
- 6. cooperate with social workers, medical social workers, assistants of teachers, Roma leaders and other stakeholders directly working within Roma communities with an aim to raise awareness of Roma people on human rights, women rights as well as reproduction rights and to prevent violence against women;
- 7. commit to raising awareness on gender equality addressing low representation of women in politics and seeking to stimulate public debate in order to create public pressure towards political parties to pay attention to issues of gender equality in political decision-making;
- 8. consider amending electoral laws in order to secure parity representation of women in politics and within political parties;
- 9. support implementation of temporary equalizing measures pursuant to the Antidiscrimination Act not only by state actors but also by private actors;
- 10. continue with its efforts to tackle gender pay gap and with awareness raising activities to show employers that discrimination is not advantageous;
- 11. continues with its efforts in advancing in practice the protection of pregnant women, including women on maternity leave, in labour relations;
- 12. adopt appropriate legislative measures and undertake necessary policy measure to prevent and sanction pregnancy related discrimination and particularly the discrimination of women on chain maternity leaves.

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