

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON SLOVAKIA¹

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- Suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted. References from the National Report are *in Italics*.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW ratified. Rome Statute ratified. Palermo Protocol ratified.

Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Rights of the child (33-36), Prohibition of torture and cruel, inhuman or degrading treatment/abolishment of death penalty (37-40), Rights of patients (41-43), Rights of vulnerable groups of population (persons with disabilities/elderly people (44-47), Right to education (48-58), Combating racism, extremism, anti-Semitism and xenophobia (73-81), Protection of rights of foreign nationals/migrants/asylum seekers (87-91), Strategies for the development of the Roma community (93-104).

ISSUE	N Report	Compilation	Summary
Abortion	Criminalized by penal code (35)	High rate. Vulnerable communities do not access to health services cause of high costs (38)	
Equality and Non discrimination	Legal status (6). Plan of Equal opportunities for men and women (66).	Limited scope of existing legislation (10); it doesn't reflect the principles of equality as in CEDAW (19)	
Forced sterilization		Sterilization of Roma women without informed consent. Need to prevent, eliminate and penalize such practices (44). Need for strictly enforced policies to reject women sterilization	Authorities hindered justice action in forced sterilization cases. Need to guarantee impartial investigations including circumstances of consent;

¹ These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at alejandra@mulabi.org

		(45).Reports on advances related to sterilization of women and reproductive health recommendations, requested (52).	compensation for victims. (40)
Laws that discriminate against women		Need for amendment to ensure equal distribution of properties upon divorce (25).	
Public and political participation	Low rate of participation (68)	Need to increase women participation in decision-making positions incl. through temporary special measures(30).	
Right to work	Higher unemployment rates for women (64). Law guarantees equal access, wages, career and professional development. Measures to harmonize work with maternity and family life (67). Inequalities in wages (68).	Unequal retirement ages not deem as discriminatory (14). Occupational segregation, wide wages gap. Difficulties to integrate work and family life. Need for measures and men sensitization in family tasks (32). Need to achieve equality in wages (33)	
Rights of human rights defenders		Human rights defenders prosecuted for denouncing force sterilization of Roma women. Need to guarantee protection and freedom of expression (29)	
Roma women		Suffering multiple forms of discrimination. Need to change traditional perceptions about them. Need for measures in health, education, employment, public participation. (11)	
Sexual and Reproductive health/rights		Right to surgical contraception guaranteed by law. Conscientious objection hinders adequate care. Need to guarantee full access to SSR services, for women and adolescents, information and family planning (38)	Need for sexuality education program, with civil society actors and the media participation (31). 20% of pregnancies unwanted. Limited access to contraception, esp by teenagers. No efficient counselling. Need for measures to increase contraceptive methods use, esp. in Roma people

			(32). Increasing rate of STDs. Need for awareness about necessary treatment. Need to amend discriminatory legislation (33)
Sexual Violence			Need to improve rape court procedures; to implement special support centres / campaigns to encourage women to report cases of abuse and rape. (16)
State mechanisms for women's rights	Ministry and Labour, Confederation of Unions (69), Gov. Council for Gender Equality (70)	Lack of clarity in Gov. Council's mandate and limited capacity (6)	
Trafficking of women/ Forced prostitution	Trafficking in women for sexual exploitation on the rise (82) National Program to combat trafficking (83) Definition of trafficking in accordance with Palermo Protocol (85) Sensitization/training for police and judicial officers (86)	Need for regional cooperation to combat trafficking and sexual exploitation of women and girls. Need for assistance, esp for victims of prostitution (21) National Program welcomed (7)	
Violence against Women /Gender Violence	Sensitization Project. Several NGOs campaigns (71). Strategy and National Plan. Special measures and legislation improvements (72)	Measures to guarantee prosecution, punishment/ means of redress and victims protection / specific legislation (16)	

Abortion

The Penal Code addresses a number of serious criminal offences, including unlawful abortion (Para 35, NR).

CEDAW was concerned at the persisting **high rate of abortion** and also at the difficulties women **belonging to vulnerable communities** experience in accessing health care due to the **cost of related services** (Para 38, Compilation).

Equality and non-discrimination

() Under Article 12 of the Constitution, fundamental rights and freedoms are guaranteed

to everyone regardless of sex (Para 6, NR). () Gender equality is provided for under domestic legislation into which relevant international law instruments have been transposed. The basic strategic document is the Concept of Equal Opportunities for Women and Men, adopted in 2001. (Para 66, NR).

CEDAW, while noting the measures taken to achieve equality between women and men, was concerned at the **limited scope** of the **existing legislation** to eliminate discrimination which did **not fully reflect the principle of substantive equality embodied in the Convention** (Para 10, Compilation)

Forced sterilization

CEDAW remained concerned at information received in respect of **Roma women** who report to **have been sterilized without prior and informed consent**. The Committee to Eliminate Racial Discrimination (CERD) and the Human Rights (HR) Committee also expressed concern on this issue. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on violence against women, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health were also concerned with regard to **Roma women** who had been subjected to **forced sterilization**. The Special Rapporteur on contemporary forms of racism acknowledged **the response of the government** according to which action has been taken on this matter, however, drew the attention of the government to the urgency of the need to further develop strict and enforced policies concerning sterilization of women (Para 45, Compilation)

Centre on Housing Rights and Evictions and Milan Šimečka Foundation (COHRE/MSF) and Amnesty International mentioned **coercive sterilization of Roma women** by medical professionals which had occurred in recent years. Although COHRE/MSF and AI reported that the Slovak Government acknowledged "procedural shortcomings", they stated that **victims were not offered any redress**. COHRE/MSF reported that, in 2003, the Slovak authorities threatened to prosecute the authors of a report on coercive sterilization, whatever the veracity of their findings. In addition, COHRE/MSF stated that **Slovak authorities had taken a number of actions aimed at obstructing justice in this context**. While sharing some of these concerns, the CoE Commissioner welcomed the **adoption of the Public Health Act** in 2005, which **enshrines provisions on sterilization, informed consent and access to medical Record** (Para 40, Summary)

Laws that discriminate against women

CEDAW was concerned that, as a result of the rising number of divorces, the number of **single mothers** had significantly increased in Slovakia. It was further concerned that the **current legislative framework** did not adequately provide for an **equal distribution of marital property upon divorce**. (Para 25, Compilation)

Public and political participation

Experts and non-governmental organisations often point to the relatively lower participation of women in public life (Para 68, NR).

CEDAW was concerned that women are **underrepresented** in decision-making and political bodies and in public life, including academia, and at the **lack of understanding** by Slovakia of the importance of equal participation of women and men at all levels of decision-making. (Para 30, Compilation).

Right to work

The average rate of registered unemployment improved by 6.8 percentage points in 2007 when compared to 2003; the registered unemployment rate fell by 8.1 percentage points in the case of men, and by 5.2 percentage points in the case of women (Para 64, NR). Under the provision of the Labour Code, women and men have the right to equal treatment in access to employment, remuneration, career growth and professional training. Women are guaranteed to enjoy such working conditions that respect their physiological capacities and the social significance of their maternity role; in addition, women and men are guaranteed to enjoy such working conditions that respect their family duties related to the upbringing of and caring for children. The government promotes work-life balance measures, encourages employment of people with family responsibilities, elimination of the family-work dilemma risk and improvement in family services. The document entitled "Work-life balance measures", approved by the government in 2006, is also part of the comprehensive reform efforts in the area of employment and social policy (Para 67, NR). Experts and non-governmental organisations often point to the lingering differences in financial (Para 68, NR)

In 2008, the ILO Committee of Experts noted the different retirement ages for men and women which under the Anti-Discrimination Act are not deemed to be discriminatory. It expressed its concern and, therefore, reiterated its request that the Government indicate the reasons for this provision and whether the different retirement ages would be optional or compulsory (Para 14, Compilation)

CEDAW expressed particular concern at the highly segregated labour market, and the wide gap in pay between women and men, as well as the difficulties women experience in reconciling work and family life. (Para 32, Compilation)

Rights of human rights defenders

In 2004, the Special Representative of the Secretary-General on human rights defenders sent communications regarding the alleged criminal prosecution of human rights defenders for their report denouncing involuntary and forced sterilization of Roma women in Slovakia (Para 29, Compilation)

Roma women

While acknowledging the measures taken under the Decade of Roma inclusion 2005-2015, CEDAW was concerned that Roma women and girls remain in vulnerable and marginalized situations and are victims of multiple discrimination. CERD made similar recommendations in 2004.³¹ (Para 11, Compilation).

Sexual and Reproductive health/rights

A 2005 UNFPA report informed that Slovakia passed laws on access to voluntary family planning and guaranteed the right to informed consent regarding surgical contraception. While noting the measures taken to facilitate women's access to health care, CEDAW, in 2008, was deeply concerned about the insufficient regulation of the exercise of conscientious objection by health professionals with regard to sexual and reproductive health. () (Para 38, Compilation).

Sexual Rights Initiative (SRI) also noted that data on the use of contraceptives demonstrates a major problem in that almost 20 per cent of all pregnancies are unwanted, notably due to a limited access to contraception by teenage women and lack of adequate

counselling but illegal abortions are rare. In addition, the Government has made efforts, through economic incentives to promote population growth. (Para 32, Summary). zSRI noted that the incidence of STDs is on the increase. (Para 33, Summary)

Sexual Violence

SRI noted that the low rate of reported cases of sexual violence against women and girls might be linked to the nature of the legal procedures. The CoE Commissioner commended the adoption of the 2003 domestic violence legislation facilitating prosecutions and providing greater protection to victims of domestic violence and the police training on domestic violence (Para 16, Summary).

State institutions/mechanisms for women's rights

A special department for gender equality and equal opportunities was established at the Ministry of Labour, Social Affairs and Family, managed directly by the Minister. A standing commission for gender equality and equal opportunities was set up within the parliamentary committee for social affairs. The commission for equal opportunities of women and men at the Confederation of Trade Unions has intensified its efforts with respect to the promotion of the equal treatment principle, in particular through information and training activities. Labour inspectorates have intensified their work in the field of gender equality and equal opportunities, and their personal capacities have been strengthened. (Para 69, NR).

In January 2008, the Government Council for Gender Equality was set up as an advisory and coordinating body, being chaired by the Minister of Labour, Social Affairs and Family ... It is engaged in the preparation of measures to promote gender equality and the implementation of gender equality principles in the preparation of government's policies ... The Council is currently working on the National Gender Equality Strategy for 2009-13, whose objectives will be linked to the promotion of social protection and elimination of social exclusion (Para 70, NR)

While welcoming the establishment of the Council of Government for Gender Equality, CEDAW remained concerned at the lack of clarity with respect to the mandates and responsibilities of the various components of the national machinery for the advancement of women and its limited capacity to ensure the coordination of gender mainstreaming in all areas and at all levels (Para 6, Compilation)

Trafficking of women/Forced prostitution

() Some specific types of human trafficking have been on the rise lately, namely trafficking in women for the purpose of sexual exploitation and trafficking in men for the purpose of labour exploitation (Para 82, NR). In April 2008, the government adopted a National Programme to Combat Trafficking in Human Beings for 2008-10. The programme also comprises an Action Plan to Combat Trafficking in Human Beings designed to coordinate the activities of all stakeholders engaged in the elimination of risks and preventing human trafficking, as well as in creating conditions for the provision of support and assistance to victim of trafficking and safeguard the protection of human rights and dignity. (Para 83, NR). () The definition of trafficking in human beings included in the Penal Code fully reflects the definition provided by the Palermo Protocol (Para 85, NR). Anti-trafficking priorities are specified in the National Action Plan. They mainly involve public awareness raising and improving the identification of trafficking victims. The Programme to Assist and Protect Victims of Human Trafficking through Training aims at reinforcing capacities of law enforcement and judiciary authorities, state and other non-

state stakeholders. Another, no less important area is the collection and exchange of information on human trafficking, both at the domestic and international level. (Para 86, NR).

Both HR Committee and CESCR expressed concerns about **sexual exploitation and trafficking**. (Para 21, Compilation)

CEDAW welcomed the adoption the National Action Plan for Combating Trafficking in Persons, in 2006. 20 (Para 7, Compilation).

Violence against Women/Gender Violence

The domestic violence issue has been de-tabooed in recent years, thanks also to various campaigns organised by non-governmental organisations. Launched in 2007, a national campaign "Stop Domestic Violence against Women" is the first government-sponsored project that brought together both government and non-governmental organisations. Its objective has been to raise public awareness of gender-based violence. (Para 71, NR)

The government first addressed the issue of domestic violence in 2004 when it approved a National Strategy for the Prevention and Elimination of Violence against Women and Domestic Violence. In order to effectively perform under this strategy, the government subsequently adopted a National Action Plan for the Prevention and Elimination of Violence against Women for 2005-08. The action plan understands violence against women as a form of gender-based violence and introduces particular measures for prevention, education, research and coordinated assistance to women subject to violence, including improvements in relevant legislation. A new National Action Plan will be prepared for the 2009-13 period that should continue in the building of capacities to assist women subject to violence (Para 72, NR).

CEDAW was concerned at the high rate of **violence against women and girls, including homicides resulting from domestic violence**. (Para 16, Compilation). CEDAW welcomed the adoption of the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families, in 2004 (Para 7, Compilation).

Suggested questions and recommendations

Recommend that Slovakia addresses CEDAW's concern about the persisting high rate of abortions trying to identify its causes and focusing particularly on lowering/subsidising the costs of health services so vulnerable communities can access reproductive health care and on providing sexuality education.

Recommend that Slovakia expands the current scope of its legislation on gender equality to cover all areas of life and to fully embody the principle of substantive equality embodied in CEDAW

Recommend that Slovakia establishes a clear set of responsibilities and monitoring mechanisms to ensure gender mainstreaming throughout Government offices, programmes and plans.

Ask what specific measures have been taken to protect the rights of women with disabilities and older women, and recommend that if such measures do not currently exist, they be developed and implemented in consultation with civil society and relevant experts.

Ask Slovakia if any specific campaigns or programs devoted to empower girls and guarantee their access to equal opportunities in all realms of life exist and recommend its development and implementation if they do not yet exist.

CEDAW

- To proceed expeditiously with the formulation and subsequent adoption of the new **National Strategy for Gender Equality** for 2009-2013 with the involvement of all sectors of Government and in consultation with relevant non-governmental organizations (Para 7, Compilation)
- To take effective measures, including temporary special measures, to eliminate the multiple forms of discrimination against **Roma women and girls** and enhance respect for their human rights; to strengthen the coordination among all agencies working on Roma, non-discrimination and gender equality issues, particularly in the areas of health, education, employment and participation in public life; and to undertake concrete steps to change the traditional perception of Roma by the majority population, including through awareness and sensitization programmes (recommendations echoed by the Committee to Eliminate Racial Discrimination) (Para 11, Compilation)
- To place high priority on the introduction of comprehensive and holistic measures to address all forms of **violence against women** in the family and in society; to ensure that such violence is prosecuted and punished with the required seriousness and speed, and that women victims of violence have immediate means of redress and protection; and to ensure that legislation on violence against women is specific and comprehensive, encompassing all forms of violence. (echoed by HR Committee) (Para 16, Compilation)
- To adopt legislative measures that would ensure a **fair sharing between spouses of all assets** acquired by either or both partners during marriage (Para 25, Compilation)
- To take sustained measures, including temporary special measures, and to accelerate the increase in the **representation of women** in elected and appointed bodies in all areas of political and public life, and at all levels, and to monitor their achievement; also to make efforts to increase the number of women in appointed decision-making positions in public administration (Para 30, Compilation)
- To strengthen efforts to eliminate **occupational segregation**, to adopt measures to narrow and close the wage gap between women and men by enacting **equal pay for work of equal value** legislation, and to fully sensitize men to their **equal participation in family tasks and responsibilities** (Para 32, Compilation)
- To adequately regulate the **invocation of conscientious objection by health professionals** so as to ensure that women's access to health and reproductive health is not limited (Para 38, Compilation)
- To take measures to increase the **access of women and adolescent girls to affordable health-care services**, including reproductive health care, and to increase access to information and affordable means of **family planning** (Para 38, Compilation)
- To fully implement a **life-cycle approach to women's health** (Para 38, Compilation)
- To monitor public and private health centres, including hospitals and clinics, so as to ensure that the patient is able to provide fully informed consent before any **sterilization** procedure is carried out, with appropriate sanctions being available and implemented in the event of a breach and to ensure that the complaints filed by Roma women on grounds of coerced sterilization are duly acknowledged and that victims of such practices are granted effective remedies (Para 44, Compilation).
- To provide, within one year, written information on the steps undertaken to implement the recommendations regarding **sterilization of women and reproductive health**. The follow-up report to CEDAW is due in 2009 (Para 52, Compilation).

Committee against Torture (CAT)

- To protect **human rights defenders** from harassment and threats (Para 29, Compilation)

Committee on Economic, Cultural and Social Rights (CECSR)

- To effectively implement measures to **ensure equal pay for work of equal value**, as well as to **reduce the wage gap** between men and women (Para 33, Compilation)
- To adopt effective measures, including through regional cooperation, to combat trafficking in women and to adopt preventive programmes to combat the **sexual exploitation of women, adolescents and children** (Para 21, Compilation)

Human Rights Committee

- To strengthen programmes aimed at providing **assistance to women** in difficult circumstances, particularly those coming from other countries who are **brought into its territory for the purpose of prostitution**. (Para 21, Compilation)

Special Representative of the UN Secretary General on Human Rights Defenders

- To take appropriate measures to ensure that the right to freedom of expression is protected in the future and that **human rights defenders** are not deterred to carry out independent research and publish results (Para 29, Compilation)

Amnesty International

- To ensure impartial, thorough and effective investigations into allegations of **forced sterilization of Roma women**; ensure that the victims promptly receive appropriate compensation; and fully examine the circumstances under which consent to sterilization was given (Para 40, Summary)

Sexual Rights Initiative

- To review the procedures in rape court hearings, establish special centres for counselling and support for victims of **rape and sexual abuse**, and develop and implement an awareness-raising campaign aimed at women to encourage them to report cases of abuse (Para 16, Summary)
- To develop and implement, in consultation with relevant civil society actors and by associating the media, a comprehensive and culturally sensitive **sexuality education program** (Para 31, Summary)
- To develop and implement a plan of action to increase awareness and utilization of **contraceptive methods**, with special attention to the Roma community (Para 32, Summary)
- To develop and implement a campaign to raise awareness among the population about the need to treat **STDs** and to amend the current legislation, which required from infected persons to provide health professionals with information on all their sexual partners (Para 33, Summary)