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GENERAL GENDER EQUALITY

Introduction

The gender equality agenda and its institutional back-up in Slovakia were highly influenced by the formal understanding of equality based on the socialist past of the country. The socialist regime assumed that the fact that legislation and measures applied to all citizens regardless of their status ensured in itself the equality of all citizens. While the principle of gender neutrality was not questioned during socialism and the regulatory character of the regime allowed the hiding of inequalities, the transition period towards democracy and market economy uncovered and made visible gender inequalities. In addition to significant economic changes that affected women more seriously than men, the renewal of religion and increased influence of the Catholic Church brought about a backlash to the emancipation process of women, mainly in areas of child care, representation of women and reproductive rights.

In Slovakia, the issue of equal opportunity did not become part of the policy agenda until the second half of the 1990s. The shift happened largely due to the international commitments that Slovakia had made, and to the country's accession to the EU. The impulse to focus on gender equality issues came after the World Conference on Women in Beijing. In 1996, the first gender equality body was established that participated together with the Ministry of Labour on the development of the first policy document regarding the issue – the National Action Plan for Women. However, the lack of knowledge and understanding of women's rights and gender equality issues was clearly visible from the wording of the document. The persistence of a formal understanding of equality could be similarly tracked in the Initial CEDAW Report of the Slovak Republic from 1996 and 1998 (see below), that stated compliance with the majority of CEDAW articles citing the gender neutral character of legislation. The argument appears up to the present in public debates regarding gender equality as well as inequalities and discrimination on other bases such as ethnicity, age, religion or sexual orientation. In the second half of 1990s, the process of forming women's organizations started. Women's NGOs became important actors in explaining gender equality principles, awareness raising and agenda setting. It can be concluded that these women's initiatives became familiarized with international documents and EU policies in the area more rapidly than policy makers. As such, women's NGOs played an important role in adopting gender equality policies as a local counterpart to the external pressure of EU requirements and the *acquis communautaire*.

The EU accession process contributed highly to the development of the gender equality agenda; the transposition of EU directives led to significant changes in Slovak legislation namely the Labour Code and lately to the adoption of the Anti-discrimination Act. In addition, the external pressure contributed to the adoption of strategic documents such as the Concept for Equal Opportunities for Men and Women and the gender dimension appeared in other strategic documents mainly dealing with the pre-accession financial mechanisms of the EU. However, the implementation of legislation and policy documents lagged behind. While

the pre-accession period was marked by significant changes in the formation of the gender equality agenda, these efforts faded after the EU accession. According to Filadelfiova and Butorova¹, the politicians often ignored the agenda. Moreover, a number of politicians openly began to oppose gender equality, especially leaders coming from a Christian background who had refrained from openly expressing their criticism during the accession phase to avoid complicating Slovakia's chances. As a result, the issues of legal abortion and signing of the Treaty with the Holy See limiting access to reproductive rights were opened only after the accession. In addition, the dialogue with civil society seemed to slow down. The policy documents are prepared by the state administration and only afterwards opened to public discussion. The role of the women's NGOs thus changes into a watch dog role and they are forced toward a reactionary type of functioning.

So far, gender equality and equality in general was not integrated into priority policy issues and was dealt with as the marginalized issue. The positioning of the institutional mechanisms has been mirroring this lack of interest. Since the foundation of the Slovak Republic, the agenda of gender equality was assigned to the Ministry of Labour, leading to a change of the title of the ministry to the Ministry of Labour and Family. Up to present, gender equality issues are coordinated within this Ministry although the position of its responsible body has varied. Since 1996 the position of the institutional mechanism has continually decreased in status from an inter-sectoral body although with limited status as a governmental advisory body without real decision-making competencies, to the lower unit in the hierarchy of the Ministry of Labour, Social Affairs and Family. During the period 2003 – 2007 attempts to merge the gender equality agenda to other broader agendas of the Ministry (varied from anti-discrimination issues to family policies) could be observed. In 2007, the position of the responsible department was for the first time promoted under the direct supervision of the Minister. It is definitely a positive step signalling a possible prioritization of gender equality. As the ministerial decision was adopted relatively recently, it is difficult to make far-reaching conclusions about its impact right now. There are no gender equality units in other ministries or state administration institutions.

Currently, there are three institutions dealing with the issue of gender equality in Slovakia:

- **the Committee for Human Rights, Minorities, and Status of Women of the National Council of the Slovak Republic** on legislative level;
- **the Department of Gender Policies and Equal Opportunities** on executive level;
- **the Slovak National Centre for Human Rights** considered as a national equality body.

According to experts, the institutional back-up of the gender equality agenda is seriously undermined. Although the tasks are divided among the three, for the effective implementation of gender equality and equal opportunities in general it would be advisable to establish an inter-sectoral coordinating body at the executive level granted with enough authority and competencies and supplemented by sectoral units based on ministries and

¹ Filadelfiová, Jarmila, and Zora Bútorová, 2006. Gender Equality. In A Global Report on the State of Society.

institutions involved and which are responsible for the implementation of gender equality policies in their respective fields of activity. There have been several efforts to improve the situation, such as the MATRA project of cooperation of the Slovak and Dutch government resulting in a draft of a national institutional mechanism for gender equality in 2002, or the recent twinning project *Strengthening Administrative Capacities in the Field of Gender Mainstreaming* focusing on professional support in the field of institutional mechanisms, training on gender issues and communication strategy. However no significant changes are visible.

TIMELINE

Institutional mechanisms

► **1996:** The institutional mechanism dealing with the issue of gender equality and women's rights in Slovakia was for the first time established in 1996 as a reaction to the Beijing Declaration and Platform for Action.² **The Coordination Committee for Women's Issues** (Koordinačný výbor pre problematiku žien) was positioned at the executive level as an "advisory, coordinating and initiative government authority dealing with questions that affect positions and interests of women in all areas of life".³ The Committee was created as a platform of a wide-spectrum of actors covering state and public institutions, self-governments, and representatives of churches, trade unions, employers' associations, NGOs, the Statistical office and academia. According to the governmental audit executed in 2001, the Committee constituted of 49 members.⁴ The chairperson of the Committee was the Minister of Labour, Social Affairs and Family.

In the history of Slovak institutional mechanisms, the Committee was the only inter-sectoral mechanism positioned on the governmental level. However, the designated advisory character of the body excluded any decision-making competencies. All the measures proposed by the Committee were discussed and finally decided by the Government. With the exception of the adoption of the National Action Plan for Women, the Government did not take any significant measures in the area of gender equality. Despite the Committee recommendations to the Government to participate at the European Commission program of "Medium-Term Community Action Programme on Equal Opportunities for Men and Women, 1996 – 2000" the Government did not allocate the membership fee of the Programme.⁵

The Coordination Committee for Women's Issues was dismissed in 2001.⁶

² Government Decision No. 7 of 1996 adopted on January, 9 1996.

³ Farkašová, Katarína. 1998. CEDAW shadow report: Slovakia 1998. Bratislava: Aliancia žien Slovenska. http://www.alianciazien.sk/files/CEDAW_98_eng.pdf

⁴ Proposal of Measures to Established a New Framework of the Functioning of Governmental Advisory and Coordination Bodies Based on the Audit Document. Available on: [http://www.rokovania.sk/appl/material.nsf/0/6439512EEEF2159C1256A2200502CC2/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/6439512EEEF2159C1256A2200502CC2/$FILE/Zdroj.html)

⁵ Farkašová, Katarína. 1998. CEDAW shadow report: Slovakia 1998. Bratislava: Aliancia žien Slovenska. http://www.alianciazien.sk/files/CEDAW_98_eng.pdf

⁶ Governmental Decision No. 213 of 2001 on Proposal of Measures to Established a New Framework of the Functioning of Governmental Advisory and Coordination Bodies Based on the Audit Document adopted March, 7, 2001.

► **1999: The Department for Equal Opportunities of Women and Men** (Odbor rovnosti príležitostí žien a mužov) was established at the Ministry of Labour, Social Affairs and Family (MLSAF). The Department served as an initiating, coordinative, cooperative, consultative, and supervisory body for the field of equal opportunities. One of the principal tasks of the department was the coordination of activities of the Coordination Committee for Women's Issues. The Department actively participated in the MATRA project – a project of cooperation between the Slovak and the Dutch government aiming at designing the framework of gender equality policies and institutional mechanisms dealing with the issue. The project led to complex recommendations regarding the institutional mechanisms proposing several structures - a structure with a clear legal mandate at the governmental level for coordinating the formulation, implementation and monitoring of national policy on gender equality and a capacity within each ministry, and at local and regional levels, for mainstreaming gender equality. In addition, two independent bodies were proposed – the first in order to ensure enforcement of the legislation on anti-discrimination and equal treatment and a watchdog body on gender equality. After the elections of 2002, the concept was “put aside” as the new minister focused on other priorities.

► **2001:** In the scope of the Governmental decision regulating its advisory and consultation bodies the Government recommended to the Minister of Labour, Social Affairs and Family to continue the functioning of **the Coordination Committee for Women's Issues** on the ministerial level. The Committee was thus transformed into the expert advisory body at the Ministry for Labour, Social Affairs and Family (MLASF).⁷ The status of expert advisory bodies at the ministerial level has been fragile; the dismissal of the bodies depends solely on the decision of a minister. In the case of nomination of a new minister the body is considered dismissed if a minister does not convene the session of its advisory body. This led to the release of the Coordination Committee for Women's Issues because the new minister nominated after the election in 2002 did not renew its functioning.

► **2002:** In 2002 a new equality mechanism appeared at the parliamentary level. **The Committee for Human Rights, Minorities, and Status of Women of the National Council of the Slovak Republic** (Výbor Národnej rady Slovenskej republiky pre ľudské práva, národnosti a postavenie žien) was established in October, 2002.⁸ The impulse for the foundation of the new committee came from women's NGOs, demanding the formation of an independent parliamentary committee focusing on equal opportunities for women and men after the parliamentary election in 2002. Instead, the agenda was added to the already existing Committee for Human Rights and Minorities. In general, committees in the National Council act as initiating, approval and monitoring legislative organs. According to the Parliamentary webpage, the Committee,

“discusses law proposals, international treaties and some governmental programs from the point of view of their conformity with human rights ... A special attention is devoted to

<http://www.rokovania.sk/appl/material.nsf/0/421F3CABA5C74300C1256A03005A6ED4?OpenDocument>

⁷ Ministerial Decision No. 117 of 2001.

⁸ Resolution of the National Council of the Slovak Republic No 15 of October 15, 2002 on the Proposal to Establish Other Committees of the National Council of the Slovak Republic.

gender equality. In its activities, it cooperates, apart from central organs of state administration, mainly with the ombudsman, with the Institute of the Memory of the Nation, with the Office for Personal Data Protection, with the Slovak National Centre for Human Rights, and with other institutions and non-governmental organizations active in the field of human rights.”⁹

On the executive level, the previous inter-sectional mechanism, although with the limited competences, was dismissed and the Department for Equal Opportunities at the Ministry of Labour, Social Affairs and Family became the only institutional mechanism on governmental level. Taking into consideration the inter-sectional character of gender equality issues, the feasibility of a factual enforcement of equality measures and tasks assigned to the department was questionable. Although its responsibilities included the initiation of policy measures exceeding the scope of labour and social affair issues, the department had no competence to take enforceable decisions on other sectors and no competence to sanction possible breaches of equality principles. In addition, in the hierarchical structure of the MLSAF, the department had no real decision making power and all proposals were reviewed by the structures positioned above at the Ministry. Any gender equality policies attained a binding character only after the adoption by the Government. Neither ministries nor any other bodies partially responsible for implementing adopted gender equality policies had any specialized units dealing with the issue, neither were they covered by any budget or expertise.¹⁰

► **2003:** The original focus of the Department for Equal Opportunities at the Ministry of Labour, Social Affairs and Family was extended to include the issue of anti-discrimination in the process of transforming the department into **the Department for Equality and Anti-discrimination** (Odbor rovnosti príležitostí a antidiskriminácie). An analogous process to the development at the parliamentary level of the immersion of gender equality issues into a broader discourse of equality and human’s rights was apparent. Despite the additional agenda, the human resources of the department did not increase significantly.

Due to the persistent pressure from the side of NGOs, the **Committee for Human Rights, Minorities, and Status of Women of the National Council of the Slovak Republic** set up the **Commission for Equal Opportunities and Status of Women in the Society** (Komisia pre rovnosť príležitostí a postavenie žien v spoločnosti) as its advisory body. The Commission consisted of 18 representatives of civil society, trade unions, research and academic institutions. The main objectives and activities of the Commission comprised commenting on proposed legislation that concerns women and gender issues, such as labour legislation, social legislation, electoral legislation (the case of non-adopted electoral law on quotas on parliamentary voting lists), and equal treatment legislation (the Commission worked on the Anti-Discrimination Act). The Commission was also devoted to issues of violence against women. Although the parliamentary Committee adopted about 80 percent of

⁹ See: <http://www.nrsr.sk/main.aspx?sid=vybory/zoznam>

¹⁰ Debrecéniová, Janka, and Zuzana Očenášová. 2005. Equal opportunities for women and men. Monitoring law and practice in Slovakia. Bratislava: Open Society Institute. http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/eowmslovakia_2005.pdf

the Commission's advisory opinions, these opinions have not passed through the Parliament in most of the cases.¹¹ After the recent elections in 2006, the Commission status was not renewed.

► **2004:** In relation to Council Directives 2000/43/EC and 2000/78/EC requiring the establishment of a national specialized equality body, the role of the already existing **Slovak National Centre for Human Rights** (Slovenské národné stredisko pre ľudské práva) was extended in 2004. The Centre was established in 1994 in order to promote and protect human rights in Slovakia. By the adoption of the Anti-discrimination Act¹² new tasks in the area of monitoring and assessment of anti-discrimination principles provisioned in the act were assigned to the Centre, including:

- monitoring and assessment of the observance of human rights and the observance of the principle of equal treatment according to a separate law;
- gathering and provision upon request of information on racism, xenophobia and anti-Semitism in the Slovak Republic;
- carrying out research and surveys on the provision of information in the area of human rights, and gathering and disseminating information in this area;
- preparation of educational activities and taking part in information campaigns aimed at increasing tolerance in society;
- provision of legal aid for victims of discrimination and expressions of intolerance;
- issuing at the request of natural or legal persons, or at its own initiative, expert standpoints on matters relating to the observance of the principle of equality of treatment according to a separate provision;
- provision of library services;
- provision of services in the area of human rights.¹³

The Centre has the authority to represent a party in proceedings related to the violation of the equal treatment principles.¹⁴

The Centre is the independent legal person set up by law. The organs of the Centre are the Board and the Executive Director. The Board has nine members, selected from among persons who exercise natural authority and trust in the field of human rights and who are

¹¹ Debrecéniová, Janka, and Zuzana Očenášová. 2005. Equal opportunities for women and men. Monitoring law and practice in Slovakia. Bratislava: Open Society Institute. http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/eowmslovakia_2005.pdf

¹² Act No 365 of 2004 on Equal Treatment in Certain Fields and on the Protection Against Discrimination, and on Amending and Complementing Certain Laws, adopted on May 20, 2004, in effect from July 1, 2004.

¹³ See: http://www.snslp.sk/rs/snslp_rs.nsf/vdb_Homepage/homepage_E?OpenDocument

¹⁴ Act No 308 of 1993 on the Slovak National Centre for Human Rights, as amended, adopted on December 15, 1993, in effect from January 1, 1994, Article 1 (3).

installed by heads of institutions such as law faculties, ombudsman, the prime minister, and minister of employment.¹⁵ The Centre is financed from subsidies from the state budget, and it can also finance its activities mainly from donations from domestic and foreign natural and legal persons.¹⁶ Currently, it is constituted as a centralized institution with the seat in the capital. However, the establishment of seven regional offices is provisioned in 2007.

Although gender equality comprises only one section of Centre's activities, it has been involved in two projects focusing on this area of concern – Promotion of gender equality in the Central European region and the Role of men in gender equality promotion.¹⁷

► **2005:** In March 2005 the transformation of the organizational structure of the Ministry of Labour, Social Affairs and Family led to the further decrease of the importance of the sole equality mechanism on the executive level. The Department for Equality and Anti-discrimination has merged into the **Department of Family and Gender Policies** (Odbor rodinnej a rodovej politiky) that was subordinated to the Section of Social and Family Policies. This step was strongly criticized by gender experts and women's NGOs as a simplistic reduction of the agenda of gender equality to family issues. The tasks of the new department included a diverse range of areas such as family, gender, population and migration policies. Special attention was given to reconciliation of work and family life. The Department was responsible for a gender equality agenda comprising the coordination of national policies of equal opportunities for women and men, its monitoring and assessment in the area of employment, family, representation of women in decision making and in the implementation of the European Structural Funds. In addition, the supervision over the equal treatment principle with regard to all possible bases of discrimination was accordingly assigned to the Department.

► **2007:** After the constitution of a new government in 2006, a new female minister of Labour, Social Affairs and Family was nominated. In January 2007 she restructured the organizational order of the ministry.¹⁸ As a result, the gender equality agenda was assigned to the **Department of Gender Policies and Equal Opportunities** (Odbor rodovej politiky a rovnosti príležitostí). Moreover, for the first time the Department falls under the direct supervision of the minister. (Former departments were hierarchically positioned under the respective section whose agenda varied throughout the years from social inclusion to family policies.) The Department shall mainly realize these activities:

- creation of state policy in the field of equal opportunities and anti-discrimination, coordination of the national system of gender equality and equal opportunities;
- conceptual activities and creation of principal legislative measures in the field related to gender equality and equal opportunities;

¹⁵ Act No 308 of 1993, on the Slovak National Centre for Human Rights, Article 3.

¹⁶ *Ibid.*, Article 2.

¹⁷ See:

http://www.snspl.sk/rs/snspl_rs.nsf/0/9509E3BC94D326B8C12572C1004C5043?OpenDocument&ID=PAR368352692426&TYPE=S&LANGUAGE=S&LENGTH=S.

¹⁸ Ministerial decision No. 2 of 2007 adopted January 22, 2007.

- creation of conditions for reconciliation of work and family life in cooperation with other departments;
- supervision over the equal treatment principle and anti-discrimination;
- monitoring and assessment of equal opportunities in programs of the European Social Fund and gender mainstreaming as a horizontal priority in the Structural funds;
- evaluation and actualization of governmental program documents focused on gender equality and equal opportunities;
- implementation of international agreements and EU legislation in the field of equal opportunities and coordination of international projects focusing on gender equality.¹⁹

According to the interview with one of the employees of the Department, its promotion is the first of future steps towards the commitment to gender equality announced in the governmental program of the new government after the elections in 2006.

¹⁹ Organizational order of the Ministry of Labor, Social Affairs and Family. See: <http://www.employment.gov.sk/new/index.php?SMC=1&id=10690>

GENDER EQUALITY POLICIES

The general framework for compliance with equality principles in Slovakia can be derived from the Slovak Constitution that guarantees fundamental rights and freedoms to all “with no regard to, *inter alia*, sex, gender, social origin, property or any other status. On the basis of these reasons, no-one can be damaged, advantaged or disadvantaged.”²⁰ The anti-discrimination principles are further developed in the Labour Code (2001) and mainly in the Anti-discrimination Act in effect from 2004. There is no specific gender equality law in Slovakia; the issue falls under the broader scope of anti-discrimination and equal opportunities legislation. In addition, the Government adopted two policy documents designing the strategy of equal opportunities for women and men – the National Action Plan for Women (1997, currently outdated) and the Concept of Equal Opportunities for Men and Women (2001) that is now the principal document setting up a framework for gender equality. Although the Concept identifies the main areas of concern and sets up a general framework for action, the proposed measures lack a complex approach and omit important mainstreaming tools such as gender impact assessment and gender budgeting. The development of a national gender mainstreaming strategy was anticipated in 2005. Nevertheless, it has not yet been adopted.

The existing legislation in theory guarantees equal rights and protection against discrimination. However, its implementation in practice lags behind; as shown by various statistical data on the pay gap or representation of women in decision making. Moreover, the policy document has a rather declaratory character. The evaluation and progress assessment mechanisms are insufficient. The reporting is based on collection of data without further verification and there is no accountability foreseen for the non-fulfilment of allocated tasks. One of the reasons for the gaps in implementation of gender equality policies may lay in the insufficient institutional back-up.

TIMELINE

Documents

► 1997: Národný akčný plán pre ženy/ National Action Plan for Women

The National Action Plan for Women was adopted by the Governmental decision in 1997²¹ as the main policy document setting the basis for gender equality policies for the next ten years, i.e. till 2007. Due to the accession of the Slovak Republic to the EU in 2004 its duration was shortened and the last progress report was elaborated for the year 2005. The development of the Action plan was stimulated by the Beijing Declaration committing governments to adopt national plans for action. The period context was centred within the discourse of

²⁰ Article 12(2) of Act No 460 of 1992, Constitution of the Slovak Republic, as amended, adopted on 1 September 1992, in effect from 1 October 1992.

²¹ See the Decision of the Government No 650 of 1997 adopted on 16 September 1997 on Adopting the National Action Plan for Women.

“status of women” rather than gender equality terminology that was introduced later in relation with the EU accession. The Action plan was elaborated by the state administration, namely the Ministry of Labour and Family and representatives of the Coordination Committee for Women’s Issues (advisory body of the government).

The Action plan is a five-page document, containing an introductory statement and a list of eight priorities, each of them elaborated in more detailed strategy and measures.

The Action plan formulated the following priorities:

- 1) Implementation of the equal position of a woman in the family, workplace and society, as entrenched in the legislation;
- 2) To create space for personal choices in development of life strategies of women in the family, workplace and in society;
- 3) To create conditions in order to eliminate economic inequality that may lead to material distress of women;
- 4) To form public opinion towards respect of gender equality through the education system and media;
- 5) To create conditions for the protection and promotion of women's health;
- 6) To eliminate violence against women;
- 7) To create conditions for personal development and work satisfaction for women with lesser development chances (defined as rural, Roma, unemployed and disabled women and women insufficiently prepared for their maternal role) ;
- 8) To promote activities of organizations oriented toward support and development of women on both national and international levels.²²

The Action plan was repeatedly criticized for the lack of understanding of the issues it dealt with and an insufficient elaboration of principles and measures. For example Debrecéniová, Očenášová²³ described the document as having:

„more of reactive rather than of proactive character, and the reader often gets the impression that the approach undertaken when drafting the document was not systematic and comprehensive enough. Also, the National Action Plan often deals with partial questions, instead of trying to address the most serious obstacles that generally prevent women from full and equal enjoyment of their rights. The document does not mention the need to remove gender stereotypes. Instead, the document seems to be based on traditional conception of family roles that are allocated to representatives of each particular gender“.

²² The National Action Plan for Women.

²³ Debrecéniová, Janka, and Zuzana Očenášová. 2005. Equal opportunities for women and men. Monitoring law and practice in Slovakia. Bratislava: Open Society Institute. http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/eowmslovakia_2005.pdf

An example of the approach of the Action plan is the task allocated to the Ministry of Education to elaborate curricula for elementary schools on education “towards marriage and parenthood and towards respect for life from the conception to a natural death.”²⁴ Moreover, the measure proposed “to support development of services (mainly on the upbringing of and care for children) in families of women active in politics, or perhaps in families of women and men in managerial positions”.²⁵ There was no such measure proposed for women not in leadership positions.

The National Action Plan for Women had several pitfalls in promoting gender equality. The envisioned strategies and measures were formulated too generally and some of them were targeting women only indirectly, articulating a family rather than gender oriented approach. The evaluation of the Action plan took place on yearly basis and was performed by the Department of Equality for Women and Men (later the Department of Equality and Anti-Discrimination, from 2005 the Department of Family and Gender Policies). The progress report was presented to the Government. The monitoring process and the assessment of the progress were only formal and no responsibility was drawn for non-fulfilment of the tasks allocated to individual institutions.

► **1996 (1998): Initial Report of the Slovak Republic on CEDAW**²⁶

The CEDAW was ratified by the former Czechoslovak Socialist Republic in 1982 and adopted on the basis of succession by the Slovak Republic in 1993. In 1996, and 1998, Slovakia presented its initial report in which it fully committed to the implementation of CEDAW and to principles of women’s rights. In general, the initial report stated that the majority of CEDAW articles are already implemented in Slovakia mainly referring to the Constitution that guarantees protection against discrimination and all human rights and fundamental freedoms. The second assumption of the compliance was based on a principle of formal equality of legislation and measures that apply to all regardless they gender. The inconsistency of declared principles and statistics of the period (pay gap, occupational segregation, representation of women in decision making) was generally explained by problems related to the economical and political transition of the country. Similarly to the National Action Plan for Women, the insufficient comprehension of CEDAW could be observed – the initial report several times stressed the respect to women and their “societal

²⁴ The National Action Plan for Women.

²⁵ The National Action Plan for Women.

²⁶ Slovak Republic had ratified all the U.N. And European Council documents relevant to gender equality already in the previous period. The Background Report of the SR to the Convention on Elimination of All Forms of Discrimination (CEDAW) was supposed to be submitted up to one year after the Convention for the SR came into force, to 31.12.1994. However, it was submitted as late as 9 January 1996. In 1998 the amended Report was submitted, as the Committee did not accept the original text as a sufficient document. The U.N. Committee negotiated it in 1998. After four years, i.e. up to 2000, or 2002, a new regular report was supposed to be submitted; the Slovak Republic did not fulfill this task either. In 2006, they were obliged to submit to the U. N. Committee for Elimination of All Forms of Discrimination the third regular report (for 2002 – 2006). The submitted report (filed with a delay again) covers the 2nd and 3rd period, and the government excuses the delay by its overwhelming tasks related to the accession processes of Slovakia to the EU and NATO.

function of maternity, upbringing and care for children.”²⁷ However, the initial report stated that specific measures may be adopted to improve the situation of women in certain areas such as occupational segregation, access to businesses, women in rural areas and status of women in the family.

► 2001: The Concept of Equal Opportunities for Men and Women

The Concept of Equal Opportunities for Men and Women built upon the experience gained during the period of implementation of the National Action Plan that showed several weaknesses as well as the need to introduce new approaches to the tasks adopted by the Action plan to demonstrate a more complex understanding.²⁸ The Concept is more complex and elaborated than the Action plan. While the Action plan did not define the basis on which it was elaborated, the Concept is introduced by an analysis of the background resulting in its adoption as well as defining the international and European context for gender equality. In addition, a brief analysis of indicators and factors resulting in gender inequality is presented in the introduction of all three priority areas. The priorities were identified as “areas where inequality between women and men is most conspicuous in the Slovak Republic: labour market, public and political life, and reconciliation of family and working life.”²⁹

The objectives of the Concept include:

- legislative provision for equal opportunities in all spheres of life of the society;
- adequate institutional provision for equal opportunities, namely at all levels of state administration and local self-government of upper tiers;
- implementation of the principle of equal opportunities of women and men in the socio-economic area and in labour relations;
- application of the principle of equal pay for work of equal value for women and men, implementation of the principle of equal treatment of men and women in access to employment, professional training, promotion and working conditions;
- stipulation of the obligation for the employer to create conditions for reconciliation of working and family life of employees. Provision of incentives for employers to create flexible forms of employing women and men (part-time employment, work arrangements at home);
- ensure progressive implementation of the principle of equal treatment in matters related to social security, newly provide for issues of pension security/insurance (for example, pension age, calculation of invalidity pension, elimination of different entitlement conditions in widow's and widower's pension, adjustment of pension being the sole source of income which is always preferentially granted to the man). To embed the implementation of the principle of equal treatment in occupational social security schemes;

²⁷ Initial Report of the Slovak Republic on the Convention on the Elimination of All Forms of Discrimination against Women. Presented to the UN Secretary General for debate by the Committee on the Elimination of the Discrimination against Women.

²⁸ The Concept of Equal Opportunities for Men and Women; in Slovak available at <http://www.employment.gov.sk/new/index.php?SMC=1&id=718>.

²⁹ The Concept of Equal Opportunities for Men and Women.

- increase participation of women in public and political life. Promote non-governmental organizations in their activities (training, seminars, education, enlightenment), focused on raising women's interest in engaging in political and public life. Introduce short-term temporary measures (quotas) with the objective to increase the rate of women's representation on the election lists and nominations of women in the leading political functions;
- to make women, as personalities with their own goals and options of self-realization, visible. Through media policies, erase stereotyped views of the position of the woman in society; present the woman as a personality having her own interests and objectives;
- alter the traditional gender perspective in looking at family and the position of partners within the family. Strengthen the role of the man in the care of children. Encourage research into unpaid domestic work and develop activities for its social acceptance. Strive to achieve that calculation of the economic value of domestic work is added to the gross domestic product. Initiate national discussion on the subject.³⁰

The measures foreseen for the priority area of labour market comprised a control of compliance with the principle of equal pay of women and men for equal work and work of equal value, promotion of flexible working arrangements and ensuring equal opportunities for women and men in pension insurance. On the basis of the Concept, the Ministry of Labour, Social Affairs and Family initiated the annual competition "Family-Friendly Employer" rewarding employers implementing family friendly and gender equality policies.

In the priority area of public and political life the temporary measures to improve the representation of women, such as trainings and quotas, were provisioned. Despite this stipulation in the Concept, the quota system was not introduced. The quotas were a subject of a lively public discussion provoked by the NGO proposition to the amendment of election legislation in 2004. The public debate showed how affirmative action measures are perceived by a majority as controversial and the quota system unacceptable because of its "discriminatory character". The policy measures referring to the reconciliation of work and family life contained the improvement of social services in provision related to children, elderly and disabled people and the adoption of the National strategy on elimination of all forms of violence against women.

As can be seen from the wording of the Concept, the employers of the Department of Equal Opportunities who prepared it had, over a number of years, gained relevant experience and familiarity with international and EU documents dealing with gender equality (the Concept cites several best-practice examples from EU countries in the attachments). The accession process also facilitated the development and the adoption of the Concept. Although the Concept does not cover all relevant policy areas and a majority of the proposed policy measures have a normative character (with the exception of the "family-friendly employer" competition), it identifies the main problematic areas in respecting gender equality and attempts to design concrete solutions. However, the political responsibility for the fulfilment of the Concept is not sufficient. The reporting is not presented to the Government but the

³⁰ The Concept of Equal Opportunities for Men and Women.

progress report is forwarded to the Council of Economic and Social Agreement (a tripartite institution). The monitoring agency – department at the Ministry of Labour, Social Affairs and Family – has again only monitoring and not enforcement powers. The adoption of the Concept was not preceded by a public discussion and there was no significant opposition to its adoption. In combination with its low enforcing power and monitoring practice it can be concluded that the adoption of the Concept can be seen as another instance of paying “lip service” to the accession process, proving the interest of Slovakia to fulfil all accession criteria.

Nevertheless, the Concept of Equal Opportunities for Men and Women is currently the only policy document regulating the strategy for the improvement of gender equality in Slovakia.

► **2001: Zákonník práce/ Labour Code**

The Labour Code was amended in 2001 and is in effect from 1 April 2002.³¹ The aim of the new Labour Code was to adapt the legislation to the changed economical and labour market conditions in order to provide liberalization and deregulation of labour legislation and set a framework for basic rights and duties of employers and employees granting the minimal standards of social rights. The adoption of the Labour Code provoked wide public discussion, namely from the side of social partners. However, the discussion did not focus on issues of equality. The only comment concerning gender equality issues during the legislation process came from an academic perspective suggesting inclusion of the definition of sexual harassment in the law. The comment was rejected citing the general anti-discrimination article of the law.

However, the obligation of the transposition of European legislation was considered during the preparation phase of the law. The Labour Code transposed the majority of so called “gender equality EU Directives” containing principles of equal pay for equal work and work of equal value, equal treatment for women and men as regards access to employment, vocational training and working conditions, protection of pregnant women, women who recently gave birth and breastfeeding women and parental leave. The Labour Code prohibits discrimination on the basis of sex, marital and family status, social origin and gender. In general, it contains a prohibition of discrimination applicable to all stages of employment such as access to employment, working conditions and dismissals. It also forbids a future employer to require information on pregnancy and family background during the selection process.

The Labour Code guarantees equal treatment and equal remuneration of women and men. In addition, the provisions with reference to family responsibilities are applicable to both genders (Article 6): “Women and men are guaranteed working conditions with regard to their family responsibilities in bringing up children and in caring for them.” Parental leave is therefore granted to both women and men. The Slovak legislation distinguishes between maternity (28 weeks) and parental leave (up to the time when a child reaches the age of three years, six years of age in the case of disabled children requiring extra care). Maternity leave can be provided to a man after the birth of a child. Parental leave is provided to a

³¹ Act No 311 of 2001, Labour Code, as amended, adopted on 1 July 2001, in effect from 1 April 2002.

woman or a man upon request and they are protected against notice and against immediate termination of an employment relationship. This protection, however, does not apply to cases when the employer is no longer operating or relocated and to cases when the employer concerned lost the preconditions for the performance of the work according to a special law (Article 64). The same concept of parental leave applies also to adoptive or foster parents or guardians.

In general, the equal treatment of women and men principle is sufficiently guaranteed by the Labour Code. Nevertheless, according to Debrecéniová³² the law still has some pitfalls such as the persistent existence of subjective individual-assessment opportunities for employers allowing gaps in remuneration, or the lack of satisfactory definition of part-time workers limiting their rights in connection with a quantitatively-determined limit of working hours.

► **2004: Zákon o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou/ Anti-discrimination Act**

The Act on Equal Treatment in Some Fields and on Protection against Discrimination³³ (hereinafter Anti-discrimination Act) was adopted in May 2004 after a long-running discussion on the necessity to adopt an act of this kind. Two former attempts to adopt the Act in 2002 and 2003 were not successful. In 2002, the proposed law was rejected by the Parliament due to a cooperation of a coalition Christian Democratic Movement and an opposition Movement for a Democratic Slovakia. One of the most cited reasons for rejection was the inclusion of sexual orientation in the grounds of discrimination. The second attempt in 2003 opened extensive public discussion on the topic; the law was reviewed by international experts, civic society organized a petition in support of the law and the governmental office responsible for the agenda (led by the representative of the Party of Hungarian Coalition) prepared a public campaign promoting the law. The campaign was cancelled by the government itself after its short duration. Despite all the efforts, the proposal of the Anti-discrimination Act was again rejected twice – once as a governmental proposal and the second time as a deputy proposal by the opposition party SMER. Despite the persistence of intolerance towards sexual minorities, the discourse shifted to a more “technical” one. The Christian Democratic Movement present in the governing coalition of the period argued that anti-discrimination measures are sufficiently covered by the Constitution and the Labour Code. Other coalition partners, namely the Party of Hungarian Coalition whose representative was a vice premier responsible for the agenda of human rights and the EU accession, maintained the position favourable to the adoption of the separate anti-discrimination legislation using the argument of commitment towards the transposition of the EU legislation. In 2004, the proposal of the Anti-discrimination Act was amended several times until it reached the coalition consensus. As a result of the consensus, the protection against discrimination on the basis of sexual orientation is not covered in all areas of concern (it is covered in the area of labour relations

³² In Debrecéniová, Janka, and Zuzana Očenašová, 2005. Rovnosť príležitostí žien a mužov na Slovensku. Správa o dodržiavaní smerníc EÚ týkajúcich sa rodovej rovnosti. (Equal opportunities for Women and Men in Slovakia. Report on compliance with EU Directives concerning gender equality.) Bratislava: Open Society Foundation.

³³ Act No 365 of 2004 on Equal Treatment in Some Fields and on Protection against Discrimination, as amended, adopted on 20 May 2004, in effect form 1 July 2004.

but it is not included in the area of social security, health care and access to services). Several political leaders (the Christian Democratic Movement and the Democratic Party) at that time openly expressed that the adoption of the Act was a result of the pressure from the side of the European Union, without a specific local need to protect citizens against the discrimination.³⁴

The Anti-discrimination Act defines discrimination as comprising direct discrimination, indirect discrimination, harassment and adverse treatment. However, the anti-discrimination provisions do not contain an explicit definition of sexual harassment although the broader definition of harassment can be interpreted as including the sexual one as well. Discrimination on the basis of sex, race, nationality and ethnicity is prohibited in the area of social security, health care, providing goods and services and education. In the area of labour relations, the bases of discrimination are additionally religion, disability, age and sexual orientation. Legal remedy can be gained through a procedure at a civic court and in cases of breaching the principle of equal treatment the reversed burden of proof is applied. The complainant can be represented by the National Centre for Human Rights which is legally entitled to this representation.³⁵

As abovementioned, the adoption of the Anti-discrimination Act was accompanied by the controversial debate on the issue of discrimination on the basis of sexual orientation. Moreover, the issue of affirmative action was brought to discussion due to the amendment of the Act in the process of its adoption in the Parliament. A deputy coming from the Party of Hungarian Coalition which introduced the provision on affirmative action stated that “with a view to ensuring full equality in practice and compliance with the principle of equal treatment, specific positive actions to prevent disadvantages linked to racial or ethnic origin may be adopted.” The Government represented by the Minister of Justice (coming from the Christian Democratic Movement) initiated a court procedure on the Constitutional Court on the consistence of the provision of affirmative action in the Anti-discrimination Act with the Slovak Constitution. In 2005, the Constitutional Court ruled by a close vote that the concerned article is inconsistent with the Constitution. The Slovak Constitution prohibits any type of discrimination including positive action. With respect to the European legislation and rulings of the European Court of Justice, certain affirmative action measures can be adopted in order to achieve substantive equality in practice and to compensate disadvantages or eliminate barriers created by the environment, preventing individuals from participation in opportunities. However, they cannot lead to a discriminatory practice or breach of the

³⁴ Some officially collected information on the process of approving the Anti-discrimination Act in the SR see at <http://www-8.mensiny.vlada.gov.sk/index.php?ID=468> → Prehľad o tvorbe antidiskriminačného zákona. Elaborated by Piroška Gyuricsek, Bratislava, 20 October 2004.

³⁵ The exhaustive analysis of key anti-discrimination legislation in Slovakia is offered by: Dlužořová, Zuzana; January 2007. Slovakia country report on measures to combat discrimination. Drafted for the European Network of Legal Experts in the non-discrimination field. http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/skrep05_en.pdf

+ Debrecéniová, Janka; May 2007. Opinion on the Report on Measures to Combat Discrimination (regarding Directives 2000/43/EC and 2000/78/EC), drafted as an updated country report on measures to combat discrimination (for Slovak Republic, covering state of affairs until 8 January 2007, written by Zuzana Dlužořová) for the European Network of Legal Experts in the non-discrimination field. Občan a demokracia/ Citizen and Democracy Association; not published yet.

universal principle of equality for other groups of people. According to the ruling of the Constitutional Court,³⁶ the contested article (8) of the Anti-discrimination Act did not define the limiting factors for adopting special affirmative measures such as a goal for adoption of affirmative action, framework of methods for achieving the set goal and clear criteria for defining approved subjects of such measures. Without the explicit definition of the interim nature of such measures and the absence of time limitation setting up the achievement of the goal of their adoption any legislative measures of affirmative action cannot be adopted.

Similar to the public discussion on introducing the quota system to election nominations, the only attempt to tackle affirmative action in legislation demonstrated the resistance of Slovak society to such measures despite the fact that certain affirmative measures are already taken in case of disabilities or youth. Moreover, it showed a lack of complex understanding of various affirmative measures resulting in difficulties in formulating them appropriately.

The process of amending of the Anti-discrimination Act is ongoing. The Public comments on the governmental draft amendment to the Anti-Discrimination Act were submitted to the government on 14 March 2007.³⁷

“The Slovak Anti-Discrimination Act is being amended these days³⁸ (from the government’s initiative, as a reaction to the European Commission’s communication to the government, demanding it to bring the provisions of the Anti-Discrimination Act into compliance with the Framework and Race Directives); the public has, through initiative of NGOs, filed collective comments to this amendment in the legislative process. This collective comment, signed by more than 570 representatives of both general and professional public, was based on the fact that comprehensive anti-discrimination legislation (meaning, in the Slovak context, that it does not only transpose the Framework and Race Directives but that it exceeds the personal and material scope of these and covers more protected grounds of discrimination in the fields mentioned by the directives) needs more comprehensive approach than enumerating what is and what is not in compliance with the Race and Framework Directives and resolving it legislatively.³⁹ The government has now announced that it reopens the process of amending the Slovak anti-Discrimination Act and has already declared to consider some of the proposals contained in the collective comments of the Slovak public.”⁴⁰

³⁶ Ruling of the Constitutional Court of the Slovak Republic in Case No. PL. ÚS 8/04-202.

³⁷ The full text of the public comments can be found at <http://www.oad.sk/?q=sk/node/150>.

³⁸ The final version of the draft governmental amendment of the Anti-Discrimination Act was approved on the meeting of the Slovak Government on 18 April 2007.

³⁹ By the quoted document: “For example, Slovakia has so far not transposed the Equal Treatment Directive officially (although many of its provisions have been transposed in practice) and the fact that gender equality perspective was not in the centre of official interest in this most recent legislative process meant that the effectiveness of exercising the right to equal treatment with regard to sex and gender got impaired. Also, the public has demanded some changes in the structure and philosophy of the law.”

⁴⁰ Janka Debrecéniová [besides other, the author of the text of Public comments]: Opinion on the Report on Measures to Combat Discrimination... (see above).

Literature

Primary sources/ Institutional mechanisms

- ▶ Act No 308 of 1993 on the Slovak National Centre for Human Rights, as amended, adopted on December 15, 1993, in effect from January 1, 1994.
- ▶ Governmental Decision No. 7 of 1996 adopted on January, 9 1996.
- ▶ Governmental Decision No. 213 of 2001 on Proposal of Measures to Established a New Framework of the Functioning of Governmental Advisory and Coordination Bodies Based on the Audit Document adopted March, 7, 2001.
<http://www.rokovania.sk/appl/material.nsf/0/421F3CABA5C74300C1256A03005A6ED4?OpenDocument>
- ▶ Proposal of Measures to Establish a New Framework of the Functioning of Governmental Advisory and Coordination Bodies Based on the Audit Document. Available on:
<http://www.rokovania.sk/appl/material.nsf/0/421F3CABA5C74300C1256A03005A6ED4?OpenDocument>
- ▶ Ministerial Decision No. 117 of 2001.
- ▶ Resolution of the National Council of the Slovak Republic No 15 of October 15, 2002 on the Proposal to Establish Other Committees of the National Council of the Slovak Republic.
- ▶ Organizational order of the Ministry of Labour, Social Affairs and Family. See:
<http://www.employment.gov.sk/new/index.php?SMC=1&id=10690>

Secondary resources/ Institutional mechanisms

- ▶ Farkašová, Katarína. 1998. CEDAW shadow report: Slovakia 1998. Bratislava: Aliancia žien Slovenska. (Length: approximately 7 pages.)
http://www.alianciazien.sk/files/CEDAW_98_eng.pdf (in English);
<http://www.alianciazien.sk/files/CEDAW98.pdf> (in Slovak)
- ▶ Debrecéniová, Janka, and Zuzana Očenášová. 2005. Equal opportunities for women and men. Monitoring law and practice in Slovakia. (Length: 101 pages.) Bratislava: Open Society Institute.
http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/eowmslovakia_2005.pdf

Primary sources/ Documents

- ▶ Ústava SR – zákon č. 460/1992 Zb. v znení neskorších predpisov / The Constitution of the Slovak Republic No. 460/1992 Coll. as amended, adopted on 1 September 1992, in effect from 1 October 1992. (Length: approximately 34 pages.)
www.concourt.sk (English version), www.zbierky.sk (Slovak version)
- ▶ Decision of the Government No 650 of 1997 adopted on 16 September 1997 on Adopting the National Action Plan for Women.

► Národný akčný plán pre ženy v SR/ National Action Plan for Women in the SR. (Length: 6 pages.)

<http://www.gender.gov.sk/index.php?id=111&SID=1f60ea85a36052e95c5df7b552d87354&w=n%E1rodn%FD+ak%E8n%FD+pl%E1n+pre+%BEeny>

► Initial Report of the Slovak Republic on the Convention on the Elimination of All Forms of Discrimination against Women. Presented to the UN Secretary General for debate by the Committee on the Elimination of the Discrimination against Women. (Length: 37 pages.)

<http://www.un.org/womenwatch/daw/cedaw/cedaw19/slovakia.pdf>

► Koncepcia rovnosti príležitostí žien a mužov/ The Concept of Equal Opportunities for Men and Women. (Length: approximately 30 pages.)

<http://www.employment.gov.sk/new/index.php?SMC=1&id=718>

► Zákon č. 311/2001 Z. z. – Zákonník práce v znení neskorších predpisov/ Act No. 311/2001 Coll., the Labour Code, as amended, adopted on 1 July 2001, in effect from 1 April 2002. (Length: approximately 126 pages.)

<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=15893&FileName=01-z311&Rocnik=2001> (in Slovak);

<http://www.employment.gov.sk/new/index.php?SMC=1&id=662> → Labour Code

► Súhrnná správa o stave dodržiavania ľudských práv v Slovenskej republike za rok 2004 – Ľudské práva žien/ Global report on the consideration of human rights in Slovak Republic during 2004 – Women's human rights; 2004. Elaborated by Katarína Farkašová, and Henrieta Kollárová (Alliance of Women of Slovakia). Bratislava, Slovak National Centre for Human Rights. (Length: 29 pages.) See at

http://www.snslp.sk/rs/snslp_rs.nsf/0/B2883DDD0FD0B7A3C1257077003F02FF?OpenDocument

► Zákon č. 365/2004 Z. z. o rovnakom zaobchádzaní (antidiskriminačný zákon)/ Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination, amending and supplementing certain other laws (Anti-discrimination Act), as amended, adopted on 20 May 2004, in effect from 1 July 2004. (Length: approximately 30 pages.)

http://www.mosr.sk/legislativa/zakony/zakon365_2004.pdf (in Slovak);

<http://www-8.mensiny.vlada.gov.sk/index.php?ID=468> (in English)

► Návrh zákona, ktorým sa mení a dopĺňa zákon č. 365/2004 Z. z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (antidiskriminačný zákon) v znení neskorších predpisov/ Draft act amending the Act. No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on amendment of certain acts (Anti-discrimination Act) as amended. (Length: approximately 3 pages.)

<http://www.rokovania.sk/appl/material.nsf/0/55D7DC71A562D8A1C1257296002E102D?OpenDocument>

► Nález Ústavného súdu Slovenskej republiky vo veci sp. zn. PL. ÚS 8/04-202/ Ruling of the Constitutional Court of the Slovak Republic in Case No. PL. ÚS 8/04-202. (Length: approximately 30 pages.)

http://www.concourt.sk/servlet/dokument?id_spisu=31723

► Odlišné stanovisko sudcov Ľudmily Gajdošíkovej, Juraja Horvátha a Alexandra Bröstla k rozhodnutiu pléna Ústavného súdu Slovenskej republiky č. k. PL. ÚS 8/04-202 z 18. októbra 2005/ The different statement of the judges Ľudmila Gajdošíková, Juraj Horváth and Alexander Brörtl to the Ruling of the Constitutional Court of the Slovak Republic in Case No. PL. ÚS 8/04-202. (Length: approximately 13 pages.)

http://www.concourt.sk/servlet/dokument?id_spisu=31726

► Odlišné stanovisko sudcu Lajosa Mészárosa k rozhodnutiu pléna Ústavného súdu Slovenskej republiky vo veci sp. zn. PL. ÚS 8/04/ The different statement of the judge Lajos Mészáros to the ruling of the plenum of the Constitutional Court of the Slovak Republic in Case No. PL. ÚS 8/04-202. (Length: approximately 8 pages.)

http://www.concourt.sk/servlet/dokument?id_spisu=31725

► Ponuka vlády Slovenskej republiky hostiť sídlo Európskeho inštitútu pre rodovú rovnosť: Aide – Mémoire; + Agenda rodovej rovnosti v Slovenskej republike. / The Offer of the Government of the Slovak Republic to Host the Seat of the European Institute for Gender Equality: Aide – Mémoire + Agenda of gender equality in Slovak Republic. April 2005 + February 2006. A document elaborated by the Office of the Deputy Prime Minister of Slovakia for European affairs, human rights and minorities, in collaboration with the Ministry for Labour, Social Affairs and Family, and the Ministry for Foreign Affairs. Bratislava. (Length: 2 + 11 pages.) See at

<http://www-8.vlada.gov.sk/archiv/csaky/rodovarovnost.html>, and

http://www-8.vlada.gov.sk/archiv/csaky/dokumenty/info_mat_2006-3%20_3.pdf

► Druhá a tretia periodická správa SR k Dohovoru o odstránení všetkých foriem diskriminácie žien za obdobie 1998 – 2006 (správa CEDAW)/ Second and third periodical report of the Slovak Republic on the application of the Convention on the Elimination of All Forms of Discrimination against Women for the period of 1998 – 2006 (CEDAW Report). (Length: approximately 65 pages.)

[http://www.rokovania.sk/appl/material.nsf/0/DEEFC1423E619F1CC12571FC00502A24/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/DEEFC1423E619F1CC12571FC00502A24/$FILE/Zdroj.html) (in Slovak)

► Hromadná pripomienka verejnosti k vládnejmu návrhu novely antidiskriminačného zákona (z marca 2007)/ Public comments to the governmental draft amendment to the Anti-discrimination Act (from March 2007); prepared by Janka Debrecéniová, NGO Občan a demokracia /Citizen and Democracy. (Length: approximately 18 pages.)

<http://www.changenet.sk/?section=kampane&x=261872>

Secondary resources/ Documents

► Bútorová, Zora, Jarmila Filadelfiová, Oľga Gyarfášová, Jana Cviková, and Katarína Farkašová, 2002. Ženy, muži a rovnosť príležitostí/ Women, Men and Gender Equality. In Miroslav Kollár, and Grigorij Mesežnikov, ed., Slovensko 2002. Súhrnná správa o stave

spoločnosti/ Slovakia 2002. Gender Equality. 2006. A Global Report on the State of Society. Bratislava: Inštitút pre verejné otázky, s. 333-345.

► Debrecéniová, Janka, and Zuzana Očenášová. 2005. Equal opportunities for women and men. Monitoring law and practice in Slovakia. Bratislava: Open Society Institute. (Length: 101 pages.)

http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/eowmslovakia_2005.pdf

► Debrecéniová, Janka, and Zuzana Očenášová, 2005. Rovnosť príležitostí žien a mužov na Slovensku. Správa o dodržiavaní smerníc EÚ týkajúcich sa rodovej rovnosti./ Equal opportunities for Women and Men in Slovakia. Report on compliance with EU Directives concerning gender equality. Bratislava: Open Society Foundation, 139 pages.

► Filadelfiová, Jarmila, and Zora Bútorová, 2006. Rovnosť žien a mužov/ Gender equality. In Miroslav Kollár, Grigorij Mesežnikov, and Martin Bútor, ed., Slovensko 2006. Súhrnná správa o stave spoločnosti/ Slovakia 2006. A Global Report on the State of Society. Bratislava: Inštitút verejných otázok, s. 696-697.

► Dlugošová, Zuzana, January 2007. Slovakia country report on measures to combat discrimination. Drafted for the European Network of Legal Experts in the non-discrimination field. (Length: approximately 67 pages.)

http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/skrep05_en.pdf

► Debrecéniová, Janka, May 2007. Opinion on the Report on Measures to Combat Discrimination (regarding Directives 2000/43/EC and 2000/78/EC), drafted as an updated country report on measures to combat discrimination (for Slovak Republic, covering state of affairs until 8 January 2007, written by Zuzana Dlugošová) for the European Network of Legal Experts in the non-discrimination field. Občan a demokracia/ Citizen and Democracy Association. (Length: approximately 9 pages.) Not published yet.

► Národná stratégia a priority pre 2007 – Európsky rok rovnakých príležitostí pre všetkých/ National strategy and priorities for 2007 – European year of equal opportunities for all. (Length: 48 pages.)

http://ec.europa.eu/employment_social/eyeq//uploaded_files/documents/SK_070611_Nati_Strategy.pdf

NON-EMPLOYMENT

Introduction⁴¹

Up until the last year and the last elections, Slovakia sought to present itself as a leader in the economic reforms that the rest of the European Union will have to embrace if it wants to become “the most competitive and dynamic knowledge-based economy in the world”. However, in many areas the results were/are very mixed. The report “Women’s Empowerment: Measuring the Global Gender Gap” (prepared by the World Economic Forum) shows that Slovak women are in a relatively better position when it comes to their economic participation and educational attendance. However they are in a much more disadvantaged position regarding health and well-being and economic opportunities. Slovakia has one of the highest differences between the wages of men and women in the EU (only Cyprus scores worse and Estonia is at the same level).

Besides politics, the changes triggered by the reforms from 2002 to 2006 affected especially the area of the labour market. A number of changes have taken place in other areas as well, particularly in the field of social protection and social security; however, no detailed analyses or documents of their gender specific impacts have been published. The only exception is a gender analysis of the pension reform, concluding significant financial disadvantages on the part of women.⁴²

PUBLIC POLICIES and single subissues

It is necessary to state that from the gender point of view there is often no visible boundary between employment, social and family policies, particularly regarding government

⁴¹ This part – Introduction of Non-employment Issue – could be elaborated thanks to the great work of the Global Reports team (the authors and editors) from Institute for Public Affairs in Bratislava, as well as the work of the authors of some other reports. We found especially useful:

Filadelfiová, Jarmila, and Zora Bútorová, 2007. Equality between women and men. In Slovakia 2006: A global report on the state of society, ed. Miroslav Kollár, Grigorij Mesežnikov, and Martin Bútorá. Bratislava: Inštitút pre verejné otázky.

Bútorová, Zora, Jarmila Filadelfiová, Oľga Gyarfášová, Jana Cviková, and Katarína Farkašová, 2003. Women, men, and equality of opportunities. In Slovakia 2002: A global report on the state of society, ed. Miroslav Kollár, Grigorij Mesežnikov, and Tom Nicholson, p. 719-742. Bratislava: Inštitút pre verejné otázky.

Debrecéniová, Janka, and Zuzana Očenášová. 2005. Equal opportunities for women and men. Monitoring law and practice in Slovakia. Bratislava: Open Society Institute.

Second and third periodical report of the Slovak Republic on the application of the Convention on the Elimination of All Forms of Discrimination against Women for the period of 1998 – 2006, 2007. Bratislava: Ministry of Labour, Social Affairs and Family.

Borošová, Margita, 2006. Národná legislativa na podporu rodovej rovnosti na trhu práce / National legislative to support gender equality at labour market. A lecture; elaborated in the frame of EQUAL project “Plus for Women 45+”. Not published.

⁴² Pietruchovej Oľga: Whose Work? Whose Pension? Gender Mainstreaming as a Tool for Gender Sensitive Pension Reform in Slovakia. Rosa-Mayreder-College Master Program „International Gender Research & Feminist Politics“ Vienna, 2005 – 2006. Published: September 2006. http://www.moznostvolby.sk/olga/mt_final.pdf (in English)

documents and strategies and also proposed measures for improvement in the area of equal opportunities. The documents are usually of an all-embracing nature; individual, even different, subissues are mixed up with each other or, more often, presented in linear sequence one after another. The measures are also not clearly outlined and targeted. In particular, evaluations of the efficiency of measures and regular reports on achieved results and fulfilment of adopted plans, strategies and conceptual intentions are missing. The situation in legislation is different. The adopted or amended acts have indeed their own clearly specified territorial field of action, however the gender and anti-discrimination aspect is in several cases of labour, social and family laws only added rather than elaborated in a complex way. It doesn't introduce a sufficiently effective tool for the elimination of those gender inequalities which only manifest themselves mostly in the labour market and in the social area.

Basically, the varied subissues of the QUING Non-employment issue are generally covered by:

(a) **Employment policy and** – closely associated with it – **the social policy of the state** (concerning subissues like: *access to the labour market, equal pay or gender pay gap; partially tax-benefit policies; partially reconciliation of work and family life; partially care work and informal work*)

(b) **Family policy of the state** (concerning subissues like: *partially reconciliation of work and family life; partially care work and informal work; partially tax-benefit policies*)

Between 2002 and 2004, the Parliament of the SR approved several essential reforms in the economic and social sphere. Changes concerned, in particular, the system of social assistance and family policies, the reforms of the labour market and employment policies, as well as the reforms of social insurance, and the pension security. The latter was transformed into a pension insurance system (in effect from 1 January 2004) whereby it has become one of the subsystems of the social insurance. The reforms have been developed on the basis of the *Strategy of supporting the growth in employment through changes to the social system and the labour market* and were drawing on a philosophy of motivation for an active search for and retention of employment. Within the scope of the employment policy, a key role was played by amendments of the Labour Code – the last one just finishing (July 2007).

Expert opinion on the general characteristics of the family policy in the SR are not very complimentary. It is characterized by: normativeness, conflicts between its conceptualization and targets, by a lack of coherence and coordination in its execution, unmanaged competence transfer to municipalities within the scope of the family policy execution, by calling for higher responsibility of families and diverting away from state social policies (due to the right-wing governments in 1998 – 2006), by a persistent problem of defining the basic task expected from the family (due to ideological interventions of the Christian Democratic Movement – KDH), by frequent changes in approach in the family policy (the impact of political intervention at the expense of proficiency), and by budget limitation contrary to requirements to support the parental role and families with children.

Within the presented issue structuring, the category (a) includes also the topic of *gender segregation on the labour market (horizontal/ vertical)* as a highly relevant theme. Within both categories (a) and (b), there appears a specific issue of *pension reform* in Slovakia, with a hidden negative impact on equal opportunities of men and women, as well as the issue of *multiple disadvantage and discrimination of Roma women in access to the labour market*. A relatively new phenomenon on Slovakia's labour market is *labour migration*, both to other regions of the country or abroad. While in the past labour migrants were almost exclusively men, women have formed an increasing share of labour migrants in recent years, especially of those working abroad. It is difficult to estimate the impact of this phenomenon on the employment status of women and men; however, surveys indicate risks to family and the cohesion of family life.⁴³

The issue of *care work and informal work* within policies in Slovakia remains not only almost non-existent, but also as not being in-process. The documents only state an absolute lack of essential services and institutional help for those citizens of the SR who care for a dependent (e.g. disabled) family member. The situation is –in practice as in theory – more critical particularly in the area of delivering day care to ill, disabled and elderly members in families. In legally binding spirit the issue is covered by several provisions of the Labour Code (in relation to the care for a family member, but not considering house-keeping, domestic or non paid work). The Act on social insurance and closed public documents are focused on citizens as receivers rather than givers of social care (except in their parental role). This situation is partly a result of the slow degradation of a social state in Slovakia that mirrors the reverse side of economic reforms. The NGOs focus especially on the elimination of structural injustice, in Slovakia associated with women's position on the labour market (paid work). Despite questions connected with the labour market having an absolute priority (among the population but also from the point of view of the gender agenda in the EU), in comparison with the “Gender-based Violence” or “Intimate Citizenship” issues NGOs have not been very active in this area and do not appear to have coordinated much in their activities. Neither media campaigns nor heated discussions took place that could be considered as pressure from the NGOs on public policies in the area of “Non-employment”. The area of labour management relations has remained appropriated by specialists from one (pro-reform, often politicized) or other (academically neutral) group. In the past many unpopular or questionable government measures with adverse impact on large groups of population were done in secret and silently or presented from a one-sided perspective. The countermeasures that could compensate the adverse situation – especially for women – were absent. In connection with the pension reform there was a media campaign organized by government, however the gender aspect was not highlighted.

⁴³ These effects were identified e.g. via discussions with the employees of Labour Offices (oddelenia úradov práce, sociálnych vecí a rodiny) within the IVO project. See more: *Evaluácia sociálnej politiky zameranej na zníženie dlhodobej nezamestnanosti/ Evaluation of Social Policy Aimed at Reducing Long-Term Unemployment, 2006*. A project supported by the EU Action Program to Eliminate Social Exclusion 2002 – 2006. Bratislava: Institute for Public Affairs.

In the area of the “Non-employment issue”, the development from the beginning of the 1990s was characterized by the internally contradictory ambitions of government (without doubt, the years when a new cabinet came to office determine the timing of changes). While the governments of Vladimír Mečiar can be characterized by prosperous social demagoguery and stimulated interest in citizens in connection with the “wild” privatization, during the government of Mikuláš Dzurinda there occurred an interesting double effect. The accession process of Slovakia to the EU and its acceptance of the European doctrine of a social welfare state based on an identification with the human rights concept, and also activity of the SR within the EU after 2003, were enacted against a background of economic reforms and right-wing government policies which paid insufficient attention to social issues in their own particularity (social policy was mostly derived from the economic concept). It was necessary to meet the directives of the EU though a jointly defined area of public interest has not existed. Not even the area of measures for equal opportunities of men and women was an exception. This contradictory situation, officially unrecognized, visibly marked the internal development of the “Non-employment issue”. From the social (contrary to the macro-economic) point of view, it not only lacked transparency and explicitness but the general image has been (and is) obscured for the general public, even enabling contradictory interpretations.

Strategic objectives in the field of gender equality were contained in older documents, namely the *National Action Plan for Women in the Slovak Republic* from 1997 and the *Strategy of Equal Opportunities for Women and Men* from 2001. Many of the tasks defined in these materials are now outdated, and there are no negative sanctions for failing to perform particular tasks. Once a year, reports on the fulfilment of tasks in both documents are submitted to the cabinet. Most reports are rather formal and reflect the lack of political will to make changes. These progress reports fail to update concrete goals, tasks and measures.

Even more, the priorities and objectives of the national gender equality policy (GEP) articulated in the above mentioned documents are too vague, and are not based on critical feminist thinking or on an understanding of women’s rights as an integral part of human rights. The concept of equal opportunities was approved before funding was provided for its enactment. No independent control mechanisms were created to supervise implementation of the GEP in different fields and the functioning of institutional mechanisms (see at the chapter Gender equality generally). Although Slovakia elected its first ombudsman in 2002, this official does not deal with specific gender equality issues. Given this situation, it is difficult to speak (despite many steps done by MPSVR) of a consistent governmental gender equality policy or gender mainstreaming at the national level. This situation affects the issue of equal opportunities of women and men on the labour market as well.

The current structure of Slovakia’s national mechanism (i.e. institutions and legislation) is far from that required by international conventions and ratified documents. In previous years, the government failed to show sufficient interest in GEP to see it reflected in laws, regulations, and funding. Currently institutions without real powers are handling the equal opportunities agenda, so there is a risk of declining into the mere formal observance of

principles. The Institute for research of work and family was mostly active in the area of gender equality on the labour market; however its competences as the research institution subordinated under the MPSVR are limited. The alarming results shown by its research projects and numerous recommendations were not applied with seriousness into the strategic governmental documents and gender-based policy.

It has to be said that the Government adopted a number of documents that contain measures to reduce the poverty risk, which becomes a special female “privilege” in the SR due to a feminization of ageing. Working with the European Commission and the Directorate General for Employment and Social Affairs, the Government elaborated and approved the *Spoločné memorandum o inklúzii/ Joint Inclusion Memorandum* (2003) with the aim to prepare the country, upon its accession to the European Union, for full participation in the field of social inclusion. On the basis of the Memorandum, the *Národný akčný plán sociálnej inklúzie 2004 – 2006/ National Action Plan on Social Inclusion 2004 – 2006* and *Národná správa o stratégiách sociálnej ochrany a sociálnej inklúzie pre roky 2006 – 2008/ National Report on the Strategies for Social Protection and Social Inclusion 2006 – 2008* were developed, designed for the prevention of social exclusion and assistance to marginalized population groups. The Memorandum identified the areas at risk of poverty in the SR in which gender equality is an important cross-sectional aspect. However, in all of the above mentioned documents, it is defined rather indirectly though some attention is paid to multiple disadvantages of certain groups of citizens.

LEGISLATIVE INITIATIVES

During the process of the EU accession, Slovakia was required to harmonize its legislation with that of the EU, including a number of the legal standards on the equal treatment of and equal opportunities for women and men. Usually, provisions on gender equality and the protection of women were implemented directly into existing legislation. Before the Slovakia EU accession, this proceeding mostly concerned employment and family (e.g. equal eligibility for benefits, parental leave, etc.). Since EU accession, a number of anti-discrimination guidelines have been adopted. In the former case, the discussions around legislative proposals and changes run only between a submitter (particular Ministry, especially MPSVR) and specialized women NGOs, not really touching on the final form of single legal amendments or changes.

According to regulations, the exercise of the rights and duties following from employment relations must conform to good morals. In accepting an individual in employment the employer may not violate the principle of equal treatment. Where in the course of an employment relationship an employer violates this obligation, the individual shall have the right to reasonable pecuniary compensation.⁴⁴

⁴⁴ Basic legislation in the area of equal opportunities of men and women in the labour market include:

* *Ústava SR (zákon č. 460/1992 Zb. v znení neskorších predpisov)/ Act No. 460/1992 Coll., as later amended – The Constitution of the Slovak Republic;*

* *Zákon o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov /tzv. antidiskriminačný zákon/ (zákon č. 365/2004 Z. z. v znení*

The *Labour Code* from 2001, amended in 2003, is currently being amended extensively again. The draft of the new Labour Code contained 151 amendments. According to the MPSVR, social dialogue was part of the drafting procedure; the amended Labour Code brings a lot of measures which support a flexible labour market and balanced competitive environment.

The *Act No. 36/2005 Coll. on the family and on amendment of certain acts* also addresses several aspects of gender equality, relevant to the Non-employment issue as well; however, some of its provisions are based on conservative positions, and compared to legislation on family affairs in most other EU member states, they are a step in the wrong direction.⁴⁵ NGOs presented numerous critical comments and amendments to the act that were largely ignored.⁴⁶ The act was drafted by the Ministry of Justice, led by a KDH nominee, which even disregarded reservations presented by the Ministry of Labour, Social Affairs and Family and some political parties, i.e. Slobodné forum (Free Forum, SF) and Alianca nového občana (New Citizen's Alliance – ANO). The final wording of the Family Act is influenced by the political interests of the coalition partners. The ruling coalition in that period included only Christian parties – with the exception of one party – and two of them were explicitly conservative (KDH, and Social Democracy and Christian Union – SDKÚ).

neskorších predpisov)/ Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on amendment of certain acts (Anti-discrimination Act);

** Zákonník práce (zákon č. 311/2001 Z. z. v znení neskorších predpisov)/ Act No. 311/2001 Coll., as later amended – Labour Code;*

** Zákon o výkone prác vo verejnom záujme (zákon č. 552/2003 Z. z. v znení neskorších predpisov)/ Act No. 552/2003 Coll. on performing of work in public interest, as later amended;*

** Zákon o štátnej službe a o zmene a doplnení niektorých zákonov (zákon č. 312/2001 Z. z. v znení neskorších predpisov)/ Act No. 312/2001 Coll. on Civil Service and on amendment of certain acts, as later amended;*

** Zákon o službách zamestnanosti (zákon č. 5/2004 Z. z. v znení neskorších predpisov)/ Act No. 5/2004 Coll. on employment services and on amendment of certain acts, as later amended;*

** Zákon o bezpečnosti a ochrane zdravia pri práci (zákon č. 124/2006 Z. z. a o doplnení niektorých predpisov)/ Act No. 124/2006 Coll. on safety and health protection at work and on amendment of certain acts;*

** Zákon o sociálnom poistení (zákon č. 461/2003 Z. z. v znení neskorších predpisov)/ Act No. 461/2003 Coll. on social insurance, as later amended;*

** Zákon č. 386/1997 o ďalšom vzdelávaní a o zmene zákona č. 387/1996 Z. z. o zamestnanosti v znení zákona č. 70/1997 Z. z./ Act on further education and change of the Act No. 387/1996 Coll. on employment, as amended by the Act No. 70/1997 Coll.*

** Zákon č. 125/2006 Z. z. o inšpekcii práce a o zmene a doplnení zákona č. 82/2005 Z. z. o nelegálnej práci a nelegálnom zamestnávaní, a o zmene a doplnení niektorých zákonov/ Act No. 125/2006 Coll. on labour inspection, and on amendment of the act No. 82/2005 Coll. on illegal work and illegal employment, and on amendment of certain laws;*

** Zákon o zriadení Slovenského národného strediska pre ľudské práva (zákon č. 308/1993 Z. z. v znení neskorších predpisov)/ Act of the National Council of the SR No. 308/1993 Coll. on establishing the Slovak National Centre for Human Rights, as later amended;*

and other acts and regulations (on courts and public prosecutor's office, police corps, army service, so called Self-employed Person's Act, so called Customs Act, etc.).

⁴⁵ Bodnárová, Bernardína, Jarmila Filadelfiová, Daniel Gerbery, Roman Džambazovič, and Erika Kvapilová, 2006: *Premeny sociálnej politiky/ Changes of Social Policy*. Bratislava: Inštitút pre výskum práce a rodiny.

⁴⁶ NGO standpoint is in *Pripomienky k návrhu zákona o rodine/Comments to the Family Act draft*; see the website of EsFem civil association (www.esfem.sk).

Inadequate enforcement of existing laws: The key problem in exercising women's rights in Slovakia is not only the implementation of modern legislative standards but especially the inadequate enforcement of existing laws. Women often do not confront the discrimination they are facing. This civic passivity has roots in the weak emancipation movement among Slovak women before the communist era and the negative experience with the so-called socialist emancipation enforced on women from above by the communist regime. Another important aspect is the high rate of unemployment and economic uncertainty in Slovakia, which discourages women from defending their rights and encourages some employers to disregard even the existing legal norms.

PUBLIC OPINION

The spontaneous answers of the respondents of the ongoing surveys indicate that people are increasingly aware of women's problems on the labour market: the ratio of all respondents who cited them has increased from 24% in 2000 to 65% in 2002 and 92% in 2005.

Women: Among female respondents this trend was even more dramatic. When we take a closer look at women's issues on the labour market from the perspective of women, we see that most women in 2005 were bothered by discrimination in remuneration (32%) and in the hiring and firing process (31%). These issues were followed by unsuitable working conditions (22%) and female unemployment (15%). Finally, 7% of female respondents complained of general discrimination against women on the labour market.⁴⁷

The second most urgent group of issues that women face is related to family and child care. Almost one in four female respondents (24%) criticized state social policy and care for families with children. Some 16% cited the double burden of women, criticizing particularly the lack of daycare facilities and services designed to relieve women of housekeeping chores. Only 4% of female respondents cited the quality of gender relations within their families. An equal share of female respondents (8%) complained of the low representation of women in political decision-making and the high retirement age for women. This criticism was aimed particularly against plans to increase the retirement age for women (as the part of pension reform in Slovakia).⁴⁸

Men: By the same surveys, men are generally less sensitive to most of the women's issues. In September 2005, for example, 25% of male respondents could not identify a single urgent issue that women faced, compared to 7% of female respondents. On the other hand, the number of men who are aware of discrimination against women on the labour market has dramatically increased since 2000. Men are also increasingly aware of the double burden that women bear. However, the ratio of those who see the solution in

⁴⁷ The data come from the survey of the Institute for Public Affairs in 2005.

⁴⁸ But according to the IVO survey from August 2006, almost half of all working women under 50 (49%) were determined to work until they reach the retirement age and one in five (20%) wanted to work as long as possible. On the other hand, less than one in eight (12%) considered the option of early retirement. In *Empirické údaje zo sociologického výskumu IVO/ Empirical Data from an IVO Sociological Survey, 2006*. Bratislava: Institute for Public Affairs.

strengthening partnership relations within the family and changing the division of labour at home remains negligible.

Education status plays a gender-specific role in views of the preferential treatment of men. Higher education means higher identification with a gender equality principle.

WOMEN IN DECISION-MAKING

Slovakia is one of the EU member states with a large pay gap, high horizontal and vertical segregation in the labour market, a severe lack of social services for working parents, increasing feminization of poverty and the like. It is also due to the long-term low participation of women in politics and the pushing of a women's agenda by male politicians instead of women themselves, as well as declining status of trade unions, which, moreover, do not pay adequate attention to the issue. The interventions are more of an administration character rather than representing the consensus of the whole society; they respond to EU directives and requirements, and to SR international obligations, to the least possible extent. An open discussion at a national level does not exist. The contrast between the urgency of the issue (proven by all the public polls, surveys and available statistics) and its inadequate reflection in the area of state, but also regional and local policies, is conspicuous. Economic issues of women are usually subsumed under the issue of family. The most severe impact can be found in the reform of economic and social policy of the second cabinet of Mikuláš Dzurinda (2002 – 2006) with its hidden negative impact on women's welfare. The next factor was the reform (decentralization) of public executive and related transfer of competences to lower territorial and self-governing units (2002 – 2004), accompanied by budget restraints as well as being marked by an even less welcoming approach to a women's agenda at a local level.

Between 2002 and 2006, parliament discussed only one legislative proposal to introduce affirmative action to increase the representation of women in politics; the assembly turned it down, although surveys indicated that the public would accept such measures.⁴⁹ Pursuant to the *Act No. 333/2004 Coll. of Laws on the election to NR SR*, parliamentary elections in Slovakia use a proportional electoral system with closed candidates' lists, which is generally regarded as less favorable to women's final representation.⁵⁰ The seeding of candidates on candidates' lists is determined by individual political parties; however, voters can circle names on the ballots to change the rank of candidates as set by political parties. The political parties themselves do not manifest sufficient interest or innovation in the creation of better conditions for women working in their structures or competences. Thus they are not interested in the transfer of the women's agenda through

⁴⁹ The amendment tabled by Jozef Heriban as a chairman of Komisia pre rovnosť príležitostí a problematiku žien/ Commission for equal opportunities and women issues during the process of amendment of the Election Act in March 2004. See more at: Filadelfiová, Jarmila, Zora Bútorová, and Oľga Gyárfášová, 2002. *Ženy a muži v politike/ Women and men in policy*. In *Slovakia 2002: A global report on the state of society*, ed. Miroslav Kollár, Grigorij Mesežnikov, and Tom Nicholson. Bratislava: Inštitút pre verejné otázky.

⁵⁰ Jalušič, Vlasta, 2000. *Public Agenda, Women's Groups and Equal opportunities Politics in Slovenia; a contribution prepared for the international workshop "Perspectives for Gender Equality Politics in Central and Eastern Europe"*. Ljubljana: The Peace Institute.

them into the highest political bodies in Slovakia. The Centrist-left government of Róbert Fico, the result of June 2006 elections, has not so far shown pronounced steps towards reversing this development of politics and general milieu. The biggest problem for gender policies in Slovakia is still their declarative character, lacking the necessary support in the legislation and in its early and decisive enforcement and application in practice. This happens due to the underdeveloped state of monitoring and control but also to decision-making mechanisms.

ACTORS

State administration

** Governmental level*

There are three structures that are in place to indirectly support the implementation of the *acquis* related to equal opportunities: the *Department of Family and Gender Policies* (substituting the Department of Equal Opportunities and Anti-Discrimination), the *Institute of Law Approximation*, and the *Deputy Prime Minister for European Affairs, Human Rights and Minorities*. In a more general sense, the structure that is also responsible for implementing the *acquis* related to equal opportunities is the *Ministry of Labour, Social Affairs and Family* (hereinafter MPSVR) which is in many cases made responsible by the Government for implementing the tasks that were generated by existing policy documents.

Institute of Law Approximation: The Institute is a section of the Government Office which is mainly responsible for tasks connected to the approximation of the law of the Slovak Republic to the law of the EU. It performs mainly expert, supervisory, conceptual, methodological, documentary, informational and analytical activities.

Department of Family and Gender Policies: In 1999, the Department of Equal Opportunities was set up whose competences in 2003 were broadened to incorporate also the area of anti-discrimination. The department was renamed the Department of Equal Opportunities and Anti-discrimination. In 2005, within the transformation of the structure of the Ministry of Labour, Social Affairs and Family, it changed its scope of reference to match with its new title – the Department of Family and Gender Policies. Financing of the department's tasks is implemented through the sectoral budget and is governed by a determined budget. (For details on the institutional measures see the chapter on general gender equality.)

The Department of Family and Gender Policies in cooperation with other departments of the Ministry of Labour, Social Affairs and Family elaborates the tasks of the Ministry in the *conceptual and legislative areas*, for example, it develops state policies for the area of family and gender equality; draws up strategic and conceptual documents relating to family policy, gender equality, population and migration policy; creates conditions for the implementation of the policy of reconciliation of work and family life; evaluates and updates documents in the area of family, women and equal opportunities between women and men (the National Action Plan for Women, the Concept of Equal Opportunities of Women and Men, the National Strategy for the Prevention and Elimination of Violence Committed against Women and in the Families, the National Action Plan for the Prevention and

Elimination of Violence against Women). In the *area of international cooperation*, it guides cooperation in the implementation of the EU law and the international conventions in the area of equal opportunities; it coordinates international projects in the area of gender equality and discharges the tasks related to the membership of the Slovak Republic in the EU and other international organizations. *In the area of social and economic analyses*, it analyses the results of special measures in the social domain from their economic aspects, as well as the impacts of particular measures in the social and employment areas from a gender perspective, and analyses the social development options from the aspects of demography, population trends; and monitors, gathers and evaluates the demographic data on the Slovak Republic and on Europe.

The Department of Family and Gender Policies of the Ministry of Labour, Social Affairs and Family of the SR also collaborates in the development of particular single programming documents for the Sectoral Operational Programme – Human Resources (SOP-HR) and EQUAL; it is committed to incorporating measures for promoting gender equality and combating discrimination in the programme documents; it coordinates the implementation of the gender mainstreaming strategy in the programmes funded from the Structural Funds, etc.⁵¹

Deputy Prime Minister of the SR for knowledge-based society, European affairs, human rights and minorities: the post was created in 2006 and the Deputy Prime Minister deals with the general issues of human rights and also with discrimination, *inter alia*, on the grounds of sex. There is a *Section of Human Rights and Minorities* at the Government Office of the SR that co-authors the anti-discrimination legislation and actively contributes to its implementation at national level, under the EU directives.

The Headquarters of Labour, Social Affairs and Family + Labour Offices: The Headquarters of Labour, Social Affairs and Family + Offices of Labour, Social Affairs and Family (in regions) are institutions established in January 2004 by transformation from the National Office of Labour, and Units of social affairs in the former regional and district level of state administration, within the reform of the social system. Their priority task is to get as many job applicants and benefit recipients into the labour market as soon as possible (as a rule, after they undertake 'activation activities' and/or participate in other active measures existing in the labour market). According to the *National action plan of employment 2004 – 2006*, these institutions, after the reform, are closer to clients and freed from activities which are not immediately related to their services supporting the return of clients to the open labour market (e.g. they no longer administer unemployment benefits).

Inštitút pre výskum práce a rodiny/ Institute for Labour and Family Research: The legal regulations given above are reviewed periodically in the light of the requirements of the EU directives and the findings of the research institutions in the SR, namely by the Institute for Labour and Family Research. One of its tasks is to look into occupational safety also from

⁵¹ The whole scope of competences of the Department of Family and Gender Policies is publicly available on the internet pages of the MPSVR SR. See at www.vlada.gov.sk, and www.employment.gov.sk.

a gender perspective. The Institute is subordinated under the Ministry itself and was several times re-organized and re-named.

** Parliamentary level*

At the level of parliament, the issue of equal opportunities for women and men was included in the agenda of the Committee for Human Rights and Nationalities, whereby the *National Council of the SR Committee for Human Rights, Nationalities and the Status of Women* was created. In 2002, this Committee set up the *Commission for Equal Opportunities and the Status of Women* which is, pursuant to the Rules of Procedure, an advisory body for the National Council Committee for Human Rights, Nationalities and, additionally, the Status of Women. The composition of the Commission reflects this scope of responsibilities. (See more in the chapter Gender Equality.)

** Ombudsman:*

In 2001, the institute of the *Public Defender of Human Rights (Ombudsman)* was established. The public defender of rights is a constitutional body whose status and activity is provided for in the Constitution of the Slovak Republic under Article 151a. The National Council of the Slovak Republic elected the first public defender of rights on 19 March 2002. The Slovak Republic has not established a separate ombudsman for the issues of gender equality because these issues are regarded to be an integral part of the protection of human rights and are addressed just as any other violation of human rights. Although, it has not yet been practiced; gender equality issues have not yet come to ombudsman's attention.

Social partners

** Trade Unions*

From the point of view of their competences entrenched in legislation, trade unions could potentially have quite an important role in guaranteeing the observance of the equal pay for equal work principle. The Labour Code in Article 239 states that the employees' representatives shall control the maintaining of Labour regulations, including wage regulations and obligations stemming from the collective agreement. This provision also applies to relations under the Act on Performing Work in the Public Interest. The Act on State Service contains a similar provision.

Despite the legislative provisions, a social dialogue in Slovakia at a corporate level has an unsatisfactory form and unsatisfactory effects, even though higher level collective agreements have been concluded in relevant sectors. Workers' confidence in collective bargaining is falling; there has been a long-term decrease in the number of trade-unionised workers. There is insufficient development of a decentralised form of collective bargaining at the enterprise level. On this account the effectiveness of social dialogue in the area of protection of health and safety at work, work quality, productivity and so forth is low.⁵²

⁵² Data based on the National Action Plan for Employment for 2002 – 2006, Ministry of Work, Social Affairs and Family.

Within the Confederation of Trade Unions of the SR, the *Commission for Equal Opportunities of Women and Men* was constituted. The Commission was involved in the EQUAL Project of “Sexual harassment in the workplace”, the main objective of which is to change public attitudes to sexual harassment in the workplace and work towards its elimination through gender sensitisation of employers.

According to expert opinion, in the future trade unions shall pay attention mainly to training of trade union officials who work at various levels of trade unions, with the aim to: (a) pursue the principle of gender equality (in broader scope of its meaning) in negotiations within the tripartite; (b) push through the provisions on gender equality (in broader scope of its meaning) into the collective bargaining agreements of higher degree and into the collective bargaining agreements in individual enterprises; (c) pursue the implementation of action plans concerning gender equality at working places, possibly at the industry sectoral level, in case these plans (their content) are not incorporated in the collective bargaining agreements.⁵³

Trade unions shall participate in the preparation of policies in the area of gender equality in the labour market, develop control mechanisms for monitoring of their compliance, participate in the projects of the European Social Fund, initiate the elaboration of new legislation in the field and develop international cooperation with trade unions in other countries and/or with European trade union organizations.

European Union

The implications of the process of the EU accession for the situation of women in Slovakia may be evaluated from two basic perspectives: (1) the legislative framework for advancing and implementing gender equality; and (2) actual changes in the lives of women and men. When viewing the issue from the former perspective, one could say that conditioning Slovakia's EU accession by the reconciliation of its legal system with European Community law was the driving force behind enacting the necessary legislative changes, particularly in labour law. Under the pressure from the EU, Slovakia was forced to adopt strategic documents in the field of gender equality and to take the gender dimension into account when adopting strategic documents in other areas. This pressure was most intense between 2000 and 2004, but decreased immediately after Slovakia became an EU member. Nowadays, the gap between adopted legislative standards and their enforcement in practice is the main feature of Slovakia's gender equality legislation. The EU pressure was enough to make the country's political leaders adopt the necessary legislative changes, but was not strong enough to compel them to embrace a new approach to the gender agenda. This is the main reason why many legislative changes have remained merely on paper. The previous administration's reform policies between 2002 and 2006 almost completely ignored attempts to eliminate gender inequalities in Slovak society.

⁵³ According to the work: Borošová, Margita, 2006. Národná legislativa na podporu rodovej rovnosti na trhu práce / National legislative to support gender equality at labour market. A lecture; elaborated in the frame of EQUAL project “Plus for Women 45+”. Not published.

When viewing the issue from the latter perspective, one could say that the status of Slovak women compared to that of Slovak men has not changed in recent years, either since the country's EU accession in 2004 or during the entire electoral term of 2002 – 2006. Previous inequalities have remained, and some have grown even deeper (e.g. vertical and horizontal segregation on the labour market, wage disparities, etc.). In recent years, 'traditional' gender disparities have been joined by new phenomena, such as poverty among elderly women, the difficult economic situation of single mothers, the unemployment of women approaching retirement age, and the cross-border labour migration of women.

While lingering gender disparities in the field of employment, family and public life are a problem not only in Slovakia, analyses of the situation in EU member states place Slovakia at the bottom of the list on a number of indicators. For instance, the difference in the incomes of women and men in Slovakia is almost double the average difference in 'old' EU member states. The ratio of women to men in Slovakia's business sector is only half the EU-15 average. Although the average educational attainment of Slovak women is no worse than that of Slovak men, only one in three people in the most lucrative professions is a woman. "The main problem of the Slovaks when implementing gender equality was that they saw no problem," said Joachim Hülsmann, head of the twin project, on the nearing of its conclusion.

** European Social Fund (ESF)/ Emphasis on Reconciliation of Work and Family Life*

Vast possibilities in terms of financing and cooperation are provided by the European Social Fund (ESF). Equalizing opportunities for women and men is one of the six main areas of allocating financial assistance from the ESF. Between 2004 and 2006, the ESF participated in financing measures implemented as part of the Human Resources Sectional Operating Program (SOP-LZ), and Objective 3. Priority No. 2 of the SOP-LZ, namely Strengthening Social Inclusion and Equal Opportunities on the Labour Market, defined Measure 2.2 (Eliminating Impediments to the Equality of Men and Women on the Labour Market with Emphasis on Harmonizing Work and Family Life). Overall, 74 projects were approved within the framework of this measure.

** EQUAL Community Initiative (CI EQUAL)/ Men on the Labour Market*

Further possibilities opened up after Slovakia acceded to the EQUAL Community Initiative (CI EQUAL) whose principal aim is to develop and test innovative approaches in combating discrimination and inequalities on the labour market. Of the 161 projects submitted, the selection commission approved 101. Within the framework of Measure 4.1 (Gender research, Gender Audit and Gender Sensitization as the Means to Achieve Equality of Women and Men on the Labour Market), a total of 14 projects were approved. Most projects focused on gender research, gender counselling, defending the interests of women, gender-sensitive education, and the reintegration of various categories of women to the labour market. Since gender mainstreaming is one of the key horizontal tools of the CI EQUAL and the entire ESF, gender aspects should be emphasized by other projects as well.

The realization of the Programmes: From the outset, the implementation of both programs encountered obstacles, especially the incompatibility between the philosophy of socio-economic reforms implemented in Slovakia and the values professed by CI EQUAL, including furthering gender equality. This incompatibility has had many practical implications. For instance, the administration of the EQUAL program in Slovakia was not entrusted to a separate body but was placed under the Ministry of Labour, Social Affairs and Family, where it is not administered by the Department of Family and Gender Policies but by the ESF Management Section on the grounds that the program primarily requires financial management, as opposed to professional management. As a result, the scripting of program documents was entrusted to people with inadequate professional skills and insufficient knowledge of the EQUAL program's philosophy.

In setting up selection commissions, the government did not take into account the expertise of their members in the field of gender equality, and did not train them on these issues.⁵⁴ The team of bureaucrats was understaffed, and its poor performance was exacerbated by the excessive instability of the team. A number of serious deficiencies surfaced in the process of programming, selecting and financing of projects. The rules have been changed constantly in the course of implementation. Administrative obstacles seriously complicate the situation of NGOs and other organizations that implement the projects.

A special challenge in this respect will be ensuring that the knowledge and experience acquired during these projects is subsequently reflected in greater emphasis on gender aspects in the field of employment and in other areas as well. This will largely depend on the attitude of top executive branch officials, particularly cabinet members, but also on the attitude of other responsible bodies, for instance the Department of Family and Gender Policies at the Ministry of Labour, Social Affairs and Family, the ESF Management Section, and the Section of Social and Family Policy.

Open and closed calls by the European Commission regarding specific thematic or problem areas provide a viable platform for bilateral and multilateral cooperation. In recent years, Slovakia has only become acquainted with the potential of these tools; currently, it participates in a program implemented in 2006 and 2007 that focuses on the role of men in reconciliation and the roles of women and men in the field of employment and family. In other projects, Slovakia cooperates with Luxembourg, the Czech Republic, Ireland and Slovenia. Like most new EU member states, however, Slovakia has not used these tools to the full extent so far.

NGO sector

Most women's NGOs operating in Slovakia today were established after 1995. Women's NGOs in Slovakia pursue their agenda in two basic ways: acting on their own initiative and reacting to the initiatives of others.

⁵⁴ See, e.g., the results of a survey on gender equality and application of gender perspective in the organizational structures for European Funds: *Rodová dimenzia predvstupovej pomoci Európskej únie/ Gender Aspects of Pre-Accession Assistance from the European Union*, 2005. Bratislava: Aspekt. Available at www.aspekt.sk.

In recent years, women's NGOs in Slovakia focused on the rich scale of agendas, inter alia, urging and encouraging decision-makers to acknowledge the gender equality agenda and to introduce an institutional mechanism to tackle it; strengthening the status of women on the labour market; addressing the problems of specific categories of women and helping threatened and disadvantaged women; and defending women's human rights.

* *NGOs strengthening the status of women on the labour market.*

Some women's NGOs help increase the employment of women by encouraging their motivation and raising their education. They also assist women entrepreneurs and support disadvantaged groups of women on the labour market. Others focus on criticizing gender inequalities on the labour market and increasing people's sensitivity to these issues. The leading players include the *Kysuce Women Non-Investment Fund*, the *Integra foundation*, the *Rural Organization for Community Activities*, the *Top Centre of Businesswomen*, the *Association of Businesswomen*, *Professional Women*, the *Woman of the Third Millennium*, *Active Women Michalovce*, *VEDAM Žilina*, *Sofia Trnava*, etc.

* *NGOs addressing the problems of specific categories of women and helping threatened and disadvantaged women.*

Maternity centres represented by the *Union of Maternity Centres* specialize in defending the rights of women upon their return from maternity leaves, and in reconciliation of women's work and family lives. The activity of these, about 25, organizations, is coordinated by Poprad-based Bambino Counselling Maternity Centre, which also communicates with MPSVR SR. A number of Romany NGOs focus on combating discrimination against Romany women on the labour market and other problems, including the *Clubs of Romany Women*, *Lucia – the Civil Association of Romany Women*, the *Association of Romany Women in Prešov*, the *Roma Press Agency*, etc. Other NGOs specialize in protecting the rights of lesbian women – for instance *Altera – the Association of Lesbian and Bisexual Women*, *Museion – the Association of Lesbian Women and their sympathizers*, *Podisea*, and *Iniciatíva Inakosť* (Initiative of Otherness).

* *NGO platforms and networks*

In the second half of the 1990s, women's NGOs in Slovakia began to coordinate their activities and established several NGO platforms and networks. The most important of them include *Iniciatíva Piata Žena* (www.piatazena.sk), *Možnosť voľby* (www.moznostvolby.sk), Fórum Žien 2000 or, in the field of social security, the *Union of Maternity Centres* (www.materskecentra.sk).

TIMELINE

- **ANTI-DISCRIMINATION DOCUMENTS AND LEGISLATION GENERALLY** (with cross-cutting references to employment relations)⁵⁵

⁵⁵ See more in Gender equality generally chapter.

Almost all documents and law regulations were elaborated, presented and submitted to the particular Government session by the Ministry of Labour, Social Affairs and Family of the Slovak Republic (hereinafter MPSVR), except the Constitution of the SR, Anti-discrimination Act, and the Act on Family.

► **1992: Ústava SR – zákon č. 460/1992 Zb. v znení neskorších predpisov / The Constitution of the Slovak Republic No. 460/1992 Coll. as amended⁵⁶**

The Constitution in the Article 12 guarantees:

- (1) All human beings are free and equal in dignity and rights. Their fundamental rights and freedoms are inalienable, irrevocable, and absolutely perpetual.*
- (2) Fundamental rights shall be guaranteed in the Slovak Republic to every person regardless of sex, race, color, language, faith, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, birth or any other status, and no person shall be denied their legal rights, discriminated against or favored on any of these grounds.*

► **1997/1998: At the beginning of the accession process of the Slovak Republic to the European Union**, the impact of the so called Amsterdam Treaty on developing interest in the issue (that is, equality of opportunities for women and men in the labour market) could be observed in the Slovak Republic (e.g. the beginning of more systematic research, governmental policy, legislative process).

► **1997: Národný akčný plán pre ženy v SR/ National Action Plan for Women in the SR**, as a follow-up to the Beijing Platform for Action, was approved by the Government Resolution No. 650/1997 of 16 September 1997. NAP contains eight priority areas for action: to implement in practice the legally enshrined equal status of the woman in the family, employment domain and society; to create room for personal choice of life development strategies of women in the family, employment domain and society; to create conditions for the elimination of economic disadvantages which may lead to material hardship of women; to create conditions for personal development and vocational realization of women with lesser development chances, etc.⁵⁷

► **1999:** On 6 October 1999, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was adopted. **The Slovak Republic signed the Optional Protocol on 5 June 2000 and ratified it on 26 October 2000.** The ratification instruments were deposited with the UN Secretary-General on 17 November 2000. The Optional Protocol came into force for the Slovak Republic on 17 February 2001, on the basis of Article 16 paragraph 2, and was published in the Collection of Laws under the number 343/2001. In accordance with Article 7 paragraph 5 of the Constitution of the Slovak Republic, the Optional Protocol takes precedence over Slovak laws.

⁵⁶ The English text of the Constitution can be found at www.concourt.sk. All other laws published in the Collection of Laws from 1998 onwards can be found in the Slovak language at www.zbierka.sk.

⁵⁷ The terminology came from the document itself.

► **1999, November: Národná správa SR o implementácii Pekinskej Akčnej platformy/ National report of the Slovak Republic on the implementation of Beijing Action Platform**

The cross-sectional report addresses 'establishing of basic principles of mainstreaming in all levels of society governance'. It is based on the conclusions of the IVth conference on women (Beijing, 1995) and on the changes in the SR after 1989, which especially affected a large group of women. It concludes with recommendations for the parliament, government, regional and local levels. Besides other parts, it contains the chapters entitled *Women and Economics in the SR* and *Family, Women and Violence*, in which it presents the picture of the status quo development in recent years. (See more in single subissues).

► **2001: Konceptia rovnosti príležitostí žien a mužov/ The Concept of Equal Opportunities for Men and Women**, elaborated and presented by MPSVR SR.

The Concept approved by the Government Resolution No. 232/2001 identifies the tasks for the state and other subjects in the areas where gender discrimination manifests itself most markedly. It says that 'the position of women in the Slovak society in practice is not such as it is guaranteed by the Constitution of the Slovak Republic and other legal standards.' Three priority areas of the Concept are: (1) labour market, (2) public and political life, (3) reconciliation of family and work life – the family. In the document, the absence of appropriate institutional control mechanisms at all levels is observed.

The Concept points to the need for better institutional backing of the issue, increase of gender sensitivity and awareness in all the society, the task of research and gender-differentiated statistics. It mentions the roles of social partners, formulates the recommendations and tasks with not quite clearly defined responsibilities and defines the claims for the budget area – especially in relation with the institution of ombudsman.

Currently, a new concept is under preparation, which should be adopted by the end of 2007. (See more in single subissues.)

► **2001: Zákon č. 311/2001 Z. z. – Zákonník práce v znení neskorších predpisov/ Act No. 311/2001 Coll., the Labour Code, as later amended**⁵⁸

The Act contains not only anti-discrimination provisions, but also the provisions aimed at the protection of pregnancy, motherhood and parenthood, and to the reconciliation of family and work life. It stipulates some flexible forms of employment (more see below). In accepting an individual into employment, the employer may not violate the principle of equal treatment. Where in an employment relationship an employer would violate this obligation, the individual shall have the right to reasonable pecuniary compensation.

Together with the Labour code, as amended, and Anti-discrimination Act, other Acts were also amended.⁵⁹

⁵⁸ The range of competencies of the Labour Code is set by the Sections 1-5. However, in principle, the Labour Code regulates labour relations from legal standpoint, specifically, the employment by companies or by individuals, as well as collective labour relations.

⁵⁹ Here they are listed:

Slovenské národné stredisko pre ľudské práva/ Slovak National Centre for Human Rights gained a special position especially after the Anti-discrimination Act was adopted; its competencies were extended by some provisions concerning the observance of the principle of equal treatment in the labour market as well. The Centre has a competence to represent the (aggrieved) party in a dispute in the matters of violation of the principle of equal treatment. It is more significant for trade unions in Slovakia which do not have such a competence.

► **2001:** There was adopted **Zákon č. 564/2001 Z. z. o verejnom ochrancovi práv v znení neskorších predpisov/ Act No. 564/2001 Coll. on the public defender of rights, as later amended.**

The Slovak Republic has become another country to provide in its rule of law the institute of the Ombudsman – the public defender of rights. The public defender of rights is a constitutional body whose status and activity is provided for in the Constitution of the Slovak Republic under Article 151a, with the activity being further specified in the Act presented.

* *Zákon o výkone prác vo verejnom záujme (zákon č. 552/2003 Z. z. v znení neskorších predpisov)/ Act No. 552/2003 Coll. on performing of work in public interest, as later amended;*

* *Zákon o štátnej službe a o zmene a doplnení niektorých zákonov (zákon č. 312/2001 Z. z. v znení neskorších predpisov)/ Act No. 312/2001 Coll. on Civil Service and on amendment of certain acts, as later amended;*

* *Zákon č. 200/1998 Z. z. o štátnej službe colníkov/ Act No. 200/1998 Coll. of Laws on civil service of customs officials;*

* *Zákon č. 370/1997 Z. z. o vojenskej službe/ Act No. 370/1997 Coll. of Laws on military service;*

* *Zákon č. 346/2005 Z. z. o štátnej službe profesionálnych vojakov ozbrojených síl; Slovenskej republiky/ Act No. 346/2005 Coll. of Laws on civil service of professional soldiers in the armed forces of the Slovak Republic;*

* *Zákon č. 73/1998 Z. z. o štátnej službe príslušníkov Policajného zboru, Slovenskej informačnej služby, Zboru väzenskej a justičnej stráže SR a Železničnej polície/ Act No. 73/1998 Coll. of Laws on civil service of the members of the Police Corps, Slovak Information Service, The Corps of Prison and Justice Guard of the SR and Railway Police;*

* *Zákon č. 315/2001 Z. z. o Hasičskom záchrannom zbore/ Act No. 315/2001 Coll. of Laws on firemen rescue corps;*

* *Zákon č. 154/2001 Z. z. o prokurátoroch a právnych čakatel'och/ Act No. 154/2001 Coll. of Laws on prosecutors and legal apprentices;*

* *Zákon č. 455/1991 Z. z. o živnostenskom podnikaní/ Act No. 455/1991 Coll. of Laws on self-employment businesses;*

* *Zákon o službách zamestnanosti (zákon č. 5/2004 Z. z. v znení neskorších predpisov)/ Act No. 5/2004 Coll. on employment services and on amendment of certain acts, as later amended;*

* *Act No. 386/1997 Coll. of Laws on further education;*

* *Act No. 95/2000 Coll. of Laws on the inspection of labour and amendments of certain laws;*

* *Zákon č. 308/1993 Z. z. o zriadení Slovenského národného strediska pre ľudské práva/ Act of the National Council of the SR No. 308/1993 Coll. on establishing the Slovak National Centre for Human Rights, as later amended;*

* *Nariadenie vlády SR č. 272/2004 Z. z., ktorým sa ustanovuje zoznam prác a pracovísk, ktoré sú zakázané tehotným ženám a matkám do konca deviateho mesiaca po pôrode.../ Regulation of the Government of the SR No. 272/2004 Coll. by which the list of works and workplaces is established that are prohibited to pregnant women...;*

* *Nariadenie vlády SR č. 357/2006 Z. Z. o podrobnostiach o faktoroch práce a pracovného prostredia vo vzťahu ku kategorizácii pracovných činností.../ Regulation of the Government of the SR No. 357/2006 Coll. on details and factors of work and working environment in relation to the categorisation of work activities ..., etc.*

The ombudsman came into office on 1 January 2002.

► **2004: Zákon č. 365/2004 Z. z. o rovnakom zaobchádzaní (antidiskriminačný zákon)/ Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination, amending and supplementing certain other laws (Anti-discrimination Act)**

The Anti-discrimination Act, in effect from 1. July 2004, regulates the application of the principle of equal treatment in a comprehensive way and establishes legal means of protection in cases when the principle of equal treatment is violated.⁶⁰ The following provisions directly concern the labour law domain:

Wording of § 6, article 1:

In conformity with the principle of equal treatment, any discrimination shall be prohibited in employment relations, similar legal relations and related legal relations on grounds of sex, religion or belief, racial, national or ethnic origin, disability, age and sexual orientation.

By § 6 article 2 letter a):

The principle of equal treatment under paragraph 1 shall apply only in combination with the rights of natural persons provided for under separate legal provisions regulating access to employment, occupation, other gainful activities or functions ("employment" hereinafter), including recruitment requirements and selection criteria and modalities.

In § 8, there are provisions which “*determine the possibility to apply different (non-equal) treatment*”. In the context of the relation of labour market, gender and age, specifically the provisions of paragraphs 1 and 3 are relevant (due to the inherent character of work activities, or the age limitations, or the requirements of practice in compliance with the performance of these activities).

According to the government accountability report elaborated after one year of their governance, MPSVR actively cooperates in the draft of the amendment of the Anti-discrimination Act and the transposition of the *Council Directive 2004/113/ES of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services*.⁶¹ According to the information from the NGO sector, the drafted amendment contains the proposal to take out the provision that binds the government to “carry out preventative measures for the protection against

⁶⁰ This Act transposed following directive into the national legislation of the SR: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, a Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex and Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes.

⁶¹ Rok vlády v sociálnej oblasti – 22. 6. 2007 (odpočet vlády)/ A year of the government in social area – 22 June 2007 (the cabinet’s accountability report). See at http://www.employment.gov.sk/new/index.php?SMC=1&mod=news&news_id=106

discrimination”, as well as provisions that, in extraordinary and substantiated cases, enable employment of people based on their sex as the decisive criterion for the performance of a specific job. *Občan a demokracia/ Citizen and Democracy* civil association together with other NGOs try to contribute to the draft of the Act amendment, especially in the area of necessary reconciliation of national and European anti-discrimination legislation.⁶²

► **2006:** Under the **Zákon č. 125/2006 Z. z. o inšpekcii práce a o zmene a doplnení zákona č. 82/2005 Z. z. o nelegálnej práci a nelegálnom zamestnávaní, a o zmene a doplnení niektorých zákonov/ Act No. 125/2006 Coll. on labour inspection, and on amendment of the act No. 82/2005 Coll. on illegal work and illegal employment, and on amendment of certain laws**, the Labour Inspectorate is authorised to conduct inspection of compliance with regulations, order the elimination of the shortcomings found, and, on the basis of establishing any contravention of regulations, prohibit performance of work and finally impose on the employer penalties for the contravention of employment regulations – relating to the anti-discrimination provisions of the Labour Code or illegal work and illegal employment as well.

In case the employer does not act in compliance with the employment regulations, the jobseeker or the employee has the opportunity, within the meaning of the Act, to approach the competent labour inspectorate. Labour inspection is – inter alia – the supervisor of compliance with labour laws regulating labour relations from a legal standpoint, especially their establishment, changes and termination. It also monitors wage and work conditions, including the work conditions of women, youth, employees working from home, disabled people and people younger than 15 years of age.

The National Labour Inspectorate is the body of state administration. Changes concerning the activities of labour inspection, issuance of permissions and certificates pursuant to pertinent laws became effective on 1 July 2006.

The National Labour Inspectorate supervises the observance of a range of legal standards.⁶³

⁶² Acceptance or non-acceptance of comments by NGOs was to a large extent conditioned by the following amendment of the Act and by opening a general public debate that should precede it. Contemporary amendment shall be included in the agenda of June session of the NR SR.

Hromadná pripomienka k návrhu novely antidiskriminačného zákona/ Public comments to the draft amendment of the Anti-discrimination Act; from April 2007. See at <http://www.oad.sk/?q=sk/node/150>.

⁶³ Here they are listed:

* *Zákon č. 311/2001 Z. z. Zákonník práce v znení neskorších predpisov/ Act No. 311/2001 Coll., the Labour Code, as later amended;*

* *Zákon o štátnej službe a o zmene a doplnení niektorých zákonov (zákon č. 312/2001 Z. z. v znení neskorších predpisov)/ Act No. 312/2001 Coll. on Civil Service and on amendment of certain acts, as later amended;*

* *Zákon o výkone prác vo verejnom záujme (zákon č. 552/2003 Z. z. v znení neskorších predpisov)/ Act No. 552/2003 Coll. on performing of work in public interest, as later amended;*

* *Zákon č. 553/2003 Z. z. o odmeňovaní niektorých zamestnancov pri výkone práce vo verejnom záujme a o zmene a doplnení niektorých zákonov v znení neskorších predpisov/ Act No. 553/2003 Coll. on the remuneration of certain employees at performing of work in public interest and on amendment of certain acts, as later amended;*

* *Act No. 372/1990 Coll. of Laws on transgressions as amended by later regulations;*

► **2006: Národná správa o stratégiách sociálnej ochrany a sociálnej inklúzie pre roky 2006 – 2008/ National Report on the Strategies for Social Protection and Social Inclusion 2006 – 2008**

National Report addresses three pillars of social inclusion and it is a direct continuation of Lisbon process in the conditions of the member states. It is associated with previously adopted *Národný akčný plán sociálnej inklúzie 2004 – 2006 /National Action Plan of Social Inclusion 2004 – 2006*. In line with the Programme of reforms for 2006 – 2008 it formulates the priorities of inclusion policies in their synergic conditioning and intersectionality, plus the measures for their achievement. It is stated in the document:

The issue of gender equality is an important aspect of the approach to the solution of the issue of the social exclusion. In the previous period legislation was launched concerning gender equality, nevertheless, sufficient mechanisms were not established that would support gender equality in practice. All the policies include the aim in the next period, to support equality of females and males as an important factor of the development of democracy and implementation of human rights in such a way that the obligations shall be met, which follow from the Lisbon Strategy. The aims include ensuring of regular monitoring of equality of opportunities and establishment of institutional structures in order to support the gender aspect...

As for the relation to the principle of gender equality, the document is rather declarative. It does not respect its cross-sectional (vertical) functioning or in the framework of the included issues (e.g. in presentation of the pension system).

► **2007: Extensive amendment of the Labour Code**; submitter: Ministry of Labour, Social Affairs and Family of the Slovak Republic

Amendment adopted on 28 June 2007 by the National Council of the Slovak Republic. Public comments were not taken into consideration (see more in subissue Reconciliation).

The drafted amendment of the Labour Code was the result of compromises, which the social partners agreed upon during several months of negotiations. Mainly representatives of employers objected to the new provisions of the Act amendment. The amendment introduces a definition of so called “dependent labour” and strengthens the position of employees and the role of trade unions. (The latter purpose of the governmental coalition SMER – ĽSDS has been expressed, too, by the fresh amendment of the *Zákon o kolektívnom vyjednávaní/ Act on Collective Bargaining*, as well as by the adoption of the

* *Nariadenie vlády SR č. 272/2004 Z. z., ktorým sa ustanovuje zoznam prác a pracovísk, ktoré sú zakázané tehotným ženám a matkám do konca deviateho mesiaca po pôrode.../ Regulation of the Government of the SR No. 272/2004 Coll. by which the list of works and workplaces is established that are prohibited to pregnant women ...;*

* *Act No. 82/2005 Coll. of Laws on illegal labour and illegal employment and on amendments of certain laws;*

* *Act No. 90/1996 Coll. of Laws on minimal wage as amended by later regulations;*

* *Zákon č. 2/1991 Zb. o kolektívnom vyjednávaní v znení neskorších predpisov/ Act No. 2/1991, Collection of Laws (hereinafter referred to as “Coll.”) on Collective Bargaining, as amended;*

* *Zákon č. 40/1964 Zb. Občiansky zákonník v znení neskorších predpisov/ Act No. 40/1964 Coll., Civil Code, as amended;*

* *Act No. 71/1967 Coll. Rules of Administration as amended by later regulations, etc.*

Zákon o tripartite/ Act on Tripartite, cancelled before.) The amendment deals also with the necessity of reconciliation of Labour Code with the European Union legislation, with the covenants of the International Labour Organization the Slovak Republic is a member of, and with the European Social Charter.

The new amendment of the Labour Code will come into effect on 1 September 2007.

► **2007: Druhá a tretia periodická správa SR k Dohovoru o odstránení všetkých foriem diskriminácie žien za obdobie 1998 – 2006 (správa CEDAW)/ Second and third periodical report of the Slovak Republic on the application of the Convention on the Elimination of All Forms of Discrimination against Women for the period of 1998 – 2006 (CEDAW Report)**

The present document was prepared by the Ministry of Labour, Social Affairs and Family of the SR and the Ministry of Foreign Affairs of the SR, in cooperation with substantively pertinent sectors on the basis of the UN guidelines. (See more in Gender equality chapter.)

The presented Report reflects all the transformation changes that have taken place or are still under way, and hence it helps to provide a more accurate picture of the current society and the level of gender issues within it, outlining also the evolution of trends for the future.

The Report reflects also the demographic changes during 1998 – 2004. The information on the development of Slovak families seems to be curious, since data are controversial to the direction of the relevant family governing legislation.⁶⁴

● **RECONCILIATION OF WORK AND FAMILY LIFE**

Principles

Taking the current legal status quo as a background in the given area, we can formulate following principles:

** Approach to employment of parents who take care of dependent children*

It is regulated mainly by anti-discrimination legislation, but also the pertinent labour law standards. In spite of that, in practice the ban of discrimination and principles of equal treatment are violated in the approach to employment of parents with dependent children.

** Working conditions of parents who take care of dependent children*

They are regulated mainly by Labour Code, but also by Anti-discrimination Act and some other laws:

⁶⁴ According to the data of the Census of the Population, Houses and Dwellings of 2001, complete family households made up 56.4 % of all households (in 1991 it was 67.3 %). A single-parent family is a lone woman with child or children in 90 out of 100 cases. The number of single-person households has increased the most. In 2001, it reached 30 % of all households, i.e., up 8 % over the year 1991. Only 2.6% of complete family households were partnership cohabitations (compared with 1.7 % in 1991). However, the Census would not be able to reflect much cohabitation in rented dwellings.

(c) Whereas legal provisions for special working conditions protecting women at the time of pregnancy and motherhood are not considered to be discrimination, unfavourable treatment of women in relation to pregnancy or motherhood are, on the contrary, considered to constitute direct discrimination on grounds of sex.

(d) Recognition of the right to parental leave to both women and men provides increased protection to both parents in the law on labour relations.

(e) New understanding of the responsibility of both parents for rearing children is inter alia manifested by equal possibilities for mothers and fathers to take leave under conditions stipulated by special regulation, to a determined extent, as a rule with the substitution of wages (so called objective substantiated obstacles at work).

(f) Taking of maternity or parental leave, or days out of work in relation to childcare has no influence to the rights of employees who take care of children, including their entitlements to taking holidays, recognition of hours worked and the like.

(g) Pertinent groups of employees are also protected by law as for termination of the labour relation by the employer. The law lists the circumstances under which it cannot be terminated and those under which it can happen (e.g. gross violation of work discipline, criminal activities of employee and the like).

** Working time of parents*

It is regulated by Labour Code, which considers also flexible (non-traditional) forms of employment, while only exceptionally these are the provisions that would be directly related to carrying out the parental duties of the employee.

Council Directive 2002/73 ES urges the member states to consider adoption of the institution of *paternal leave*, while maintaining the rights of working men, related to employment, in parallel. The SR legislature has not introduced paternal leave yet. (In the EU countries, it is usually between 2 to 14 days leave which is usually unpaid.)

Slovak legal regulation has not introduced a special protection of the second parent yet, i.e. for the husband of a pregnant woman, if the employer initiates termination of the labour relation. It would be suitable to discuss this possibility mainly because the economic standing of young families in SR is weak.

Documents

The family policy in effect in the Slovak Republic is, beside the legal standards, formulated in several governmental documents. The core ones include:⁶⁵

(1) *The Constitution of the SR*;

(2) *Koncepcia štátnej rodinnej politiky v SR/ The concept of state family policy in the SR* (1996) and its updating from 2004;

⁶⁵ Filadeldiová, Jarmila, 200?. Rodinná politika (Nie je mix ako mix) /Family policy (A mix like no other mix). PowerPoint prezentácia/ PowerPoint presentation. Bratislava: Inštitút pre verejné otázky.

(3) *Návrh opatrení na zosúlad'ovanie pracovného a rodinného života/ Draft on measures furthering the reconciliation of the work and family life* (2006)

(4) other related policies (family policy is not explicitly articulated in them), e.g.: *Stratégia vyrovnávania sa s demografickými zmenami/ Strategy of dealing with demographic changes; Koncepcia rovnosti príležitostí žien a mužov / The concept of equal opportunities for women and men; Stratégia zameraná na boj s násilím páchaným na ženách/ Strategy aimed at fighting violence against women; Národné akčné plány/ National action plans* (for children, women, the elderly, violence...).

There are three key areas of its implementation: (1) Legislative regulation of family behaviour and family relations (Family Act and other related regulations); (2) Services for families; (3) Support of family revenue (see under the subissue "Tax/ Social benefits").

The *Draft on measures furthering the reconciliation of the work and family life* includes mainly services for families, comprising: (a) Services for the care of children; (b) Services for the care of other family members; (c) Other social services, e. g. supported housing. The document is a part of a National Programme of reforms in the Slovak Republic 2006-2008 and responses to the state of affairs in legislation and policies from June 2006; the measures are part of a comprehensive reform in the area of employment and social policy that is interconnected with tax reform. The aim of the Draft is to increase the employability and employment of persons with family obligations, decrease the risk of their discrimination, expand the services for families and make space for dealing with unfavourable demographic changes in the Slovak Republic; in short, to limit the impact of the implemented economic and social reforms on the welfare state and quality of life.

Other measures (Corporate social policy)⁶⁶

Corporate management: Corporate social policy in Slovakia, i. e. the human resource domain, includes a range of factors (optimalization of working conditions and working environment, education of employees, the regime of work and rest, healthcare and rehabilitation care, housing policy, etc.). The percentage of employers who provide various forms of social benefits to their employees has slightly decreased.⁶⁷ Small and very small companies in Slovakia usually do not have enough means for the implementation of more costly activities required within social programmes. A gender perspective is also missing in the contracts between employers and employees (whether collective agreements or internal ones are considered).

Trade union organizations: Trade unions contribute to the social assistance of their members, as well as to the cultural events, sports and celebrations of anniversaries; in lesser extent also to children's leisure events, recreational holidays, education or healthcare, but their share continually decreases. The social fund that is allocated according to statutory requirements is mostly used for company cafeterias and services for

⁶⁶ Perichtová, Beata, Slávka Matulová, and Viera Škvarková, 2006. Pracovné podmienky ako determinanty rodovej nerovnosti práce/ Working conditions as determinants of gender inequality of the work. In: Rodina a práca, No. 5. Bratislava: Inštitút pre výskum práce a rodiny.

⁶⁷ Information system on work conditions (Trexima Bratislava, s.r.o.).

the regeneration of labour, for recreational holidays, transport to the workplace or for social assistance.

Research activities: The research in the area of social work and corporate social policy is seldom gender oriented; even in the projects that deal directly with the relevance of corporate social policy in relation to reconciliation of private and professional roles of employees the gender standpoint is missing. The body of knowledge is missing for the accomplishment of effective measures in social policy from a gender perspective, both at corporate and community levels. E.g. there are no studies about the extent of interests of women and men or about the need for gender-differentiated lobbying in this respect, therefore little is known about the preferences for individual measures and services from the standpoint of their potential users.

The state of the affairs (in statistics)

One survey shows that 68% of women and 55% of men believed that both partners should participate in raising children and taking care of the household.⁶⁸ But what is the reality of everyday family life? The references on everyday reality showed something else: According to the statements of female respondents, it is they who usually cook (88%), clean (81%), do the shopping (68%), and take care of children (67%). On the other hand, men most often do maintenance and repairs in the household (86%). The most balanced division of labour is in family administrative matters; according to 44% of female respondents, the partners equally shared these duties. A comparison with a survey conducted in 1995⁶⁹ reveals that over the past ten years there have been no substantial moves toward a more balanced division of labour in Slovak families.⁷⁰

TIMELINE

► 1992: Ústava Slovenskej republiky č. 460/1992 Zb. v znení neskorších zmien/ The Constitution of the Slovak Republic No. 460/1992 Coll. as amended

Wording of the Article 41, §4: *Child care and upbringing shall be the right of parents; children shall have the right to parental care and upbringing. The rights of parents may be*

⁶⁸ According to a recent survey by the Institute for Public Affairs, 80% of respondents deemed it very important that the ideal man be able to provide financially for his family, while 76% believed that the ability to take care of the household was a very important attribute of the ideal woman. At the same time, however, 44% believed that an ideal man should be able to take care of the household, and 23% expected the ideal woman to provide financially for her family. In *Empirické údaje zo sociologického výskumu IVO/ Empirical Data from an IVO Sociological Survey, 2006*. Bratislava: Institute for Public Affairs.

⁶⁹ Bútorová, Zora et al., 1996. *She and he in Slovakia. Gender Issue in Public Opinion*. Bratislava: Focus.

⁷⁰ Another survey shows that the Slovak family is truly traditional. As to employment of mothers with minor children, the average time of taking care of the child after his or her birth by mothers, which Slovak population imagines to be appropriate, is as much as 3.9 years. In: Marošiová, Lýdia, and Sylvia Šumšalová; 2006. *Matky na trhu (práce a života)/ Mothers on the Market (of Labour and Life)*. Bratislava: Inštitút pre verejné otázky.

limited and minor children may be separated from parents against the parents' will only by a court order as provided by law,

Wording of the Article 41, §5: *Parents taking care of their children shall have the right to assistance provided by the State.*

► **1996 (2004): Konceptia štátnej rodinnej politiky v Slovenskej republike/ The Concept of the State Family Policy in the Slovak Republic, updated in 2004**

Priorities of the Concept are: a/ Legal protection of families and their members; b/ Social-economic security of families; c/ Upbringing of children and youth, preparation to marriage and parenthood; d/ Protection of health of family members; e/ Demographic development.

Amended and updated Concept of state family policy (2004) contains other priorities: a/ Improved access to education; b/ Housing accessibility; c/ Reconciliation of work and family life (provisions for assistance to families with the need for the care of a family member due to his or her age or health condition); d/ Legal protection of family and assistance in crisis situation.

In the part 3.3., *Support of the reconciliation of work and family life*, the Concept states:

** Research findings:*

- Overall shortage of social flexible tools for achieving better balance between professional and family life.
- In some cases, especially for mothers with lower earnings, the entitlement to monthly maternity allowance is lower than the generally approved parental allowance amount.
- Definition of all day care for a child younger than 6 or 7 years of age in Act No. 461/2003 Coll. of Laws on social insurance as amended later, for the cases when the state pays the old-age and disability insurance for the parent who takes care of the child, excludes, in practice, utilization of institutional (day care) services specialized in child care.
- Insufficient network and capacity of pre-school child care facilities.
- Minimal offer of child care services for unexpected situations or short-term stays.
- Insufficient network and capacity of homecare social services and coordinated social and health care services for the older and disabled members of families.

** Priorities:*

- (1) support of young families with children,
- (2) support of families which care of their relatives in need of assistance.

The document contains drafted measures, tools for solutions (proposals of strategic documents and laws) and changes in economic tools within the state social policy (maternity allowances, parental allowances, sickness and pension insurance, taxation, etc.). As to the future reform of the social assistance system, it mentions the amendment of the Family Act, as well as the Act on Social Services.

The document points out that almost all services and tools in the framework of family policy are now within the scope of powers of self-governing authorities. The role of the state is mainly in providing the appropriate legislative environment.

► **2000: A competition “Zamestnávateľ ústretový k rodine“/ “The Family-friendly Employer”** – pilot project, the zero year

The Project of the social audit, “*The Family and Work*”, implemented by the Ministry of Labour, Social Affairs and Family has been designed to motivate employers to create family-friendly working conditions sensitive to employees with caring responsibilities in order to facilitate the reconciliation of family and professional responsibilities of employees. In the context of the project, the Ministry began to organize an annual competition, from 2000, entitled “*The Family-friendly Employer*”. A competition has been announced on the occasion of the International Day of Families, 15 May 2000.

► **2001: Zákon č. 311/2001 Z. z. – Zákonník práce v znení neskorších predpisov/ Act No. 311/2001 Coll., the Labour Code, as later amended**

In conformity with the European directives, the Labour Code provides for *parental leave* allowing leave without pay on the grounds of childcare for both women and men, provided he takes care of the child. Thus the entitlement to parental leave has become a non-transferable right of every parent.

Within the meaning of the Labour Code, women and men are entitled to maternity leave (men only in exceptional cases), parental leave, and leave to attend to a sick member of the family or to children during their sickness, or to accompany children undergoing medical examinations.

The Labour Code contains a number of provisions facilitating *reconciliation of work and family life* (part-time work, shift work, etc) that can be used by both parents. The amendment of the Labour Code (Act No. 210/2003 Coll.) permits more *flexible work arrangements*, bringing the scope of overtime work to a maximum of 250 hours per month, and introducing part-time work (even up to 20 hours per week).

For the elimination of discrimination against part-time work, the Labour Code expressly provides for a guarantee of *equal working conditions for employees working part-time* relative to those employees working the established weekly working time (full-time work). (Only a small percentage of workers use part-time work. According to the research in 2001, women prefer shift work to part-time work, since the latter is associated with a reduction in income.)

In more detail:

* *Pre-contractual relations*

Paragraph 41, Article (6): “An employer must not request from a person information a) concerning pregnancy, b) on family relationships [...]”

* *The protection of pregnancy, motherhood, parenthood including certain provisions on the reconciliation of work and family life*

The Act governs following issues: Transfer to different work, Working conditions and conditions of employment, Prohibition of notice, Immediate termination of employment relationship, Uneven distribution of working time, Night work, Annual paid holidays, Substantive personal obstacles to work, Security for employee upon temporary incapacity to work, in old age and employment upon return to work, etc. The relevant provisions are included especially in §§ 55, 58, 64, 68, 98, 103, 112-114, 141, 144, 157, 160-170.

** Working conditions of women and men caring for children*

Working conditions are specified directly in §§ 164 – 170 of the Act. They contain provisions on conditions, nature of the work, working time, maternity and parental leave, breaks for breast-feeding, and so on. Maternity leave and parental leave are specified especially in §§ 166 a 169.

Paragraph 166:

(1) “In connection with childbirth and caring for a newborn child, a woman shall be entitled to maternity leave for duration of 28 weeks. If a woman gave birth to two or more children concurrently, or if concerning a solitary woman, she shall be entitled to maternity leave for duration of 37 weeks. In connection with caring for a newborn child, a man also shall be entitled to parental leave to the same extent, if caring for a newborn child.”

(2) “In order to deepen the care of a child, an employer shall be obliged to provide a woman and man by their request, with parental leave up till the child reaches three years of age. If this concerns a long-term seriously disabled child requiring exceptional care, the employer shall be obliged to provide a woman and man, on their request, with parental leave up till the child reaches six years of age. Such leave shall be provided to the extent to which the parent requests; generally, always for a period of one month at least.”

Paragraph 169:

(1) “Claim to maternity leave and parental leave shall be held by a woman and man who on the basis of legal decision of the competent body took into care surrogating parental care a child which was entrusted to them by decision of the competent body for later adoption or for fostering care, or a child whose mother died.”

** Atypical (non-standard) forms of employment⁷¹*

The amendment of the Labour Code (from July 2003) created the conditions for making the labour market more flexible and broadening the use of non-standard forms of employment. The issue of atypical forms of employment is one of the less-frequently analyzed issues within the field of the Slovak labour market. Professional literature as yet has not theoretically defined the term “atypical employment”. Official statistics do not currently provide data on individual types of current employment, i.e. on seasonal work, temporary employment agency work, and on-call work. Slovak labour legislation lays down weekly working time.

⁷¹ See more at: Hanzelová, Eneke, Zuzana Kostolná, and Daniela Reichová, 2005. Atypical employment in Slovakia: past and recent trends. Rodina a práca, No. 3. Bratislava: Stredisko pre štúdium práce a rodiny.

Working time: The maximum working time for an employee is 40 hours weekly. This is the net working time excluding breaks. For employees working in shifts, the legal framework provides certain compensation in the case where the length of the working time is less than 40 hours. In the case of employees working in a two- or three-shift operation the weekly working time is gradually decreasing.

Short-term employment: The current legislation for short-term employment enables employers to exploit fully fixed-term contracts and concurrently prevents them from abusing these contracts by the unjustified repetitive use or extension of these contracts with the same employee. Therefore the maximum term of a fixed-term contract with the same employee is set at a period of three years. This limitation ensures the employee's protection from "chaining" the fixed-term contract and prevents a reduction in the employee's social protection.

Shift work: Shift work is one of the most traditional and widespread forms of atypical working regimes. In 2001 the shift working regime was to be found in the case of 34.3% of employed persons. Men form more than a half (56 %) of those working shifts. The most frequent branches are industry, commerce and healthcare.

Part-time work: The development in part-time work stagnated and in individual years even fell. Statistical data for the decade (1994 – 2003) show that it is mainly women who work part-time. In 2003 the share of women working part time (3.8 %) was three times as high as that of men (1.3 %), but most of them opt for this job involuntarily, in contrast to the case of young people (students) or older people (because of being retired from full time work). Part-time work is also suited to those who combine their work with care for dependent relatives. However, only a labour contract for 20 hours or more weekly provides rights equal to those in a full-time labour contract. The reduced legal security of the employee with a shorter weekly working time currently represents one of the obstacles to the more frequent use of these types of contracts.⁷²

Working from home: The boom seen in working from home in the Slovak labour market was brought about by the rapid development of computer technology. Despite this, the number of those working from home is still low. According to data of the Labour Force Survey work from home is done regularly by 2.6% of those employed. Teleworking opens up the options of labour market placement for disadvantaged groups: disabled persons, women with dependent children, persons caring for other family members, or inhabitants of regions with a lack of standard jobs. The provisions of the Labour Code on weekly working time apply, that the home employee arranges his/her working time himself/herself. Therefore the home employee is not entitled to wages for overtime work, wage benefits for working on national holidays, for night work and for work in an environment hazardous or damaging to health.

⁷² According to the survey "Analysis of the interest in adjusting working time of parents with children up to 15 years of age", conducted in October 2001, almost three quarters of employed men with children and almost two thirds of employed women with children were not willing to have their working time shortened at the cost of having household incomes reduced since they cannot afford this.

Temporary employment agency work: Temporary employment agency work is a novelty in the labour legislation of Slovakia. The temporary lending of employees and temporary employment agencies today form a part of the labour market landscape in the SR. The user employer however may not execute, in respect of the temporarily assigned employee, any legal acts on behalf of the “parent” employer who has temporarily assigned this employee.

Flexible working time: Flexible working time is used by 6.3 % of the total number of those employed in the Slovak Republic. Flexible working time is used to a greater extent by women and in administration (56 %). In practice flexible working time is applied in particular as: (a) a flexible working day, (b) a flexible working week, (c) flexible four-week working period.

Overtime work: This represents a traditional form of atypical working regime enabling the employer to react immediately to market fluctuations and changes. Overtime work concerns mostly men: men form 75 % of those working overtime. The Labour Code determines the maximum level of ordered overtime work, representing 150 hours annually. The volume of the additionally agreed overtime work must not exceed 250 hours annually. The sum of ordered and agreed overtime work must not exceed 400 hours annually. A specific regime applies to employees working shortened time.

► **2001: Konceptia rovnosti príležitostí žien a mužov/ The Concept of Equal Opportunities for Men and Women**

In Part 3.3., *Family in the SR*, the Concept refers to the results of the Focus agency from 1995 regarding the division of labour agreed between women and men in their family, which shows that women prefer partner-like distribution of obligations to both parents and men prefer it when the burden of responsibilities is with women. The results show unequal division of roles of the partners, low representation of men in family care and children’s upbringing, and the necessity to re-structuralize parenting and house-keeping on the basis of partnership. The Concept illustrates the advantages of a new legislative wording for parental allowance, and underlines solutions related to the flexibility of job opportunities and utilization of various forms of flexible working time. A legislative framework for the issue is insufficient for ensuring gender equality, and moreover “equality de jure is not the same as equality de facto”, states the Concept.

► **2004: Nariadenie vlády SR č. 272/2004 Z. z., ktorým sa ustanovuje zoznam prác a pracovísk, ktoré sú zakázané tehotným ženám, matkám do konca deviateho mesiaca po pôrode a dojčiacim ženám, a zoznam prác a pracovísk spojených so špecifickým rizikom pre tehotné ženy, matky do konca deviateho mesiaca po pôrode a pre dojčiace ženy a ktorým sa ustanovujú niektoré povinnosti zamestnávateľom pri zamestnávaní týchto žien/ Regulation of the Government of the SR No. 272/2004 Coll. by which the list of works and workplaces is established that are prohibited to pregnant women, to mothers until completion of the ninth month after childbirth and to breastfeeding mothers, the list of works and workplaces associated with specific risks for pregnant women, mothers until completion of the ninth month after**

childbirth, and for breastfeeding mothers, and by which certain obligations are prescribed for employers in employing these women

(The content is evident from the title of the above regulation).

► **2005:** The NR SR adopted **Zákon č. 36/2005 o rodine a o zmene a doplnení niektorých zákonov/ Act No. 36/2005 Coll. on family and on amendment of certain Acts**, in effect from 11 February 2005. Within the alimention obligation towards children the Act refers to Act No. 452/2004 Coll. on maintenance substitution, which, inter alia, stipulates a new institution – fund of maintenance substitution for single parents. In case the other parent does not pay the child alimony for three consecutive months, the obligation to pay is transferred to the state and covered from the pertinent fund.

The Act on Family is based on a conservative model of family policies and its action results in discrimination towards non-traditional family forms and the members of non-traditional families – e.g. in the issue of availability of ‘social benefits’. Due to this the amendment of Family Act in 2005 induced heated public discussion and critical responses especially from women NGOs. Currently, another amendment of the Act is being considered so it is in compliance with EU requirements. (See in the chapter Intimate Citizenship as well.)

► **2006:** Under the **Zákon č. 124/2006 Z. z. o bezpečnosti a ochrane zdravia pri práci/ Act No. 124/2006 Coll. on the safety and health protection at work**, the employer shall be responsible for the assessment of specific risk associated with work and the workplace. The employer has to undertake the risk assessment and adopt the necessary measures on the basis of specialist assessment by the competent medical doctor of health fitness for pregnant women, mothers until completion of the ninth month after confinement and nursing mothers from the aspect of potential effects on pregnancy.

The Act is currently in a process of amendment.

► **2006, June:** Via Resolution No. 560/2006, the government adopted **Návrh opatrení na zosúladenie rodinného a pracovného života na rok 2006 s výhľadom do roku 2010/ Draft on Measures furthering the Reconciliation of Work and Family Life for 2006, with perspective until 2010.**

In its recommendations (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev. 1 paragraphs 89 and 90) the Committee expressed concern over inadequate provision for measures furthering the reconciliation of work and family life in the SR. The document adopted immediately before the mandate of the previous cabinet elapsed covers for (to a certain extent) the lack of gender sensitivity in other fundamental documents, including the document elaborated and presented by the Ministry of Finance of the SR – *Stratégie konkurencieschopnosti Slovenska do roku 2010 – Národnej Lisabonskej stratégie/ Strategy of Competitiveness of Slovakia up to 2010 – National Lisbon Strategy*.⁷³

⁷³ See at <http://www.finance.gov.sk/Default.aspx?CatID=3977>.

In spite of the fact that the increase in employment rate, including women’s employment rate, by 2010, is one of the main targets of Lisbon strategy (2000), its Slovak version pays little attention to it.

The document contains:

** Measures for analysis of existing legislation*

As for family benefits, the application of procedures aiming at reconciliation of family and work life concerns predominantly parental allowance. According to the draft, the period for receiving parental allowance shall be shortened to two years, while its amount shall be increased by 50 %, to app. 6.345 SKK. Current 4.230 SKK shall remain as a parallel alternative.

The draft of a new Concept of obtaining state family benefits based on elaboration of a legal analysis and comparative study plans to introduce a 'parental account'. The analysis shall study the possibility of introducing tax family benefits and establishing an income limit for family benefits, possibilities to interrupt utilization of maternal and paternal leave (up until the child is 5 years of age), and more effective conditions for incorporating fathers into the care of their children.

In relation to this set of measures, an analysis is suggested of the substantiation of inadequate utilization of labour legal standards effective in the area of reconciliation of work and family life (especially the application of flexible forms of work and working time) and to propose amendments (if applicable). The aim of the new provision will be the opportunity to work under an innovative labour contract called 'telework' while the employer would cover the expenditures for using information technologies and other costs related to working from home.

The support of so called 'shared jobs', i.e. when one job description is divided between two persons each of whom would have shorter working time, shall actually generate another job. A more flexible approach to reporting of worked hours and their annual 'accounting for' means that parents will be able to use the hours worked in the winter as a pool from which he or she would be able to draw the leave e.g. at the time of summer school holiday. The draft assumes that the amount of annual working hours will be determined (except for the weekly and monthly hours) as another form of innovative employment.

** Measures for establishing the conditions of pro-family functioning of institutions and organizations including the collection and analysis of information and statistics for the benefit of family-friendly society*

Increasing the availability of public services through the prioritized electronic communication, in line with Lisbon strategy for Slovakia, the introduction of the Road Map, and the procedures of claiming family benefits (e.g. child allowances) or similar entitlements shall be simplified by electronic application.

Changes in the system of education shall establish a flexible and appropriate system of child care. The measure concerns longer opening hours of day care, pre-school and

According to experts, the absence of the issue of equal opportunities for men and women in the document is close to unconceivable; for achieving the aims of Lisbon strategy is not possible without effective utilisation of all human resources. In: Kvapilová, Erika; 2006. Implementácia princípů rovnosti žien a mužův na trhu práce.

extracurricular school centres so that the needs of parents are met (school-managed after school classes, specialized after school clubs).

Proposals of these and other measures shall – according to the document – be launched in 2006 – 2007.

(Related to reconciliation in the report of government accountability, the cabinet promises after the first year of their governance: “surveying the situation, establishing of intersectoral task force and elaboration of a manual for fulfilment [of tasks] and monitoring.”)⁷⁴

► **2007: Hromadná pripomienka za presadenie opatrení na zosúladienie práce a rodiny do Zákonníka práce/ Public comments to the draft amendment of the Slovak Labour Code focusing on the reconciliation of work and family life** (from February 2007)⁷⁵

After the Labour Code amendment was prepared at governmental level, only one proposal from the Public comments compiled by NGOs was incorporated into the proposed wording of the Labour Code amendment, about the equal position of a teleworker and an employee working from home with comparable employees at the company workplace. The collective comment contained also requirements for introducing full-fledged flexible working time, shared jobs (to prevent the same work performance for shorter time and for lower wage), and an opportunity to take a three-year long parental holiday up to the child reaching 5 years (connected with a chance to respond to changing needs of the child, situation of the family and conditions in labour market in a more flexible way), etc. The comment was filed by Únia materských centier/ Union of maternity centres (hereinafter ÚMC). As it can be recognized, legislative requirements were/are based on the *Draft on Measures furthering the Reconciliation of Work and Family Life for 2006, with perspective until 2010*.

► **2007: Novelizácia zákonníka práce a tzv. »rodičovská novela«/ Amendment of the Labour Code and so called »Parental Amendment«**

After the Public comments submitted by NGOs were not taken into consideration in the process of preparation of amendment of Labour Code, the content of the dispute was transferred to the Parliament ground. The so called ‘Parental Amendment’ of Labour Code, which includes the above mentioned proposals of ÚMC was supported by Republiková únia zamestnávateľov/ Republic’s Union of Employers, and Asociácia zamestnávateľských zväzov/ Association of Employers’ Unions as well. ÚMC organised a petition⁷⁶ for adoption of the Parents’ Amendment in the Parliament. The paradox was that the requirements were pushed through by the member of the Parliament for the opposition party, former Minister of Labour, Social Affairs and Family during the governance of the right-wing coalition government in Slovakia, who presented them in the pertinent Committee of the NR SR for social affairs and housing as an M.P. draft of amendment. At the end, the

⁷⁴ In: Rok vlády v sociálnej oblasti – 22. 6. 2007 (odpočet vlády)/ A year of the government in social area – 22 June 2007 (the cabinet’s accountability report). See at http://www.employment.gov.sk/new/index.php?SMC=1&mod=news&news_id=106.

⁷⁵ The public comments are published at <http://www.changenet.sk/?section=kampane&x=256507>.

⁷⁶ See at <http://www.mcvcielka.sk/umc1/peticia/peticia.php>.

Committee did not adopt the proposal (contradictory to previous voting)⁷⁷ and the required provisions were not adopted in the plenary session either. The National Council of the SR on 28 June 2007 adopted the prepared amendment of Labour Code without the 'Parental Amendment'.

• CARE WORK AND INFORMAL WORK

Care work

* *Social assistance services for parents with small children*

The number of pre-school facilities has not increased in recent years. Just the opposite, by public administration reform, i.e. by delegating the state's responsibilities onto self-governing authorities there has been a significant reduction in the number of kindergartens. Apart from the above reason, the decline was also due to meeting the request of the former Government for rationalization of pre-school and school facilities insofar as the child population was falling. Between 30 September 2001 and 30 September 2004, a total of 217 kindergartens have been closed. By devolution of financing competencies in the area of kindergartens from the state to municipalities, between 30 September 2003 and 30 September 2004, 180 kindergartens have been closed whose founding entities were municipalities. During this period 4 private kindergartens and 16 church kindergartens that are funded by the state have been set up.

The care of children aged up to 2 years is implemented in the facilities that are founded and funded at the local self-government level. Hence not all municipalities are able to provide this service at full length. Certain innovative measures are being implemented in this area by setting up private mini-nurseries, etc. Maternity centres whose activities are gradually extended and intensified due to the projects under the European Social Fund and municipal support contribute to enhancing personal choice in women's life strategies.

* *Maternity and parental leave*

Maternity leave is primarily dealt with in the Labour Code, and related financial entitlements are covered by the Act on Social Insurance. The Labour Code, in Article 166 onwards, states that in connection with childbirth and caring for a newborn child, a woman shall be entitled to maternity leave for duration of 28 weeks. If a woman gives birth to two or more children at the same time, or if a single woman is concerned, maternity leave shall be for duration of 37 weeks. Article 167 of the Labour Code introduces general rules for commencing and terminating maternity leave.

In connection with caring for a newborn child, a man shall also be entitled to *parental leave* in the same extent, if he is caring for the newborn child. In order to deepen the care for a child, an employer shall be obliged to grant women and men, at their request, with parental

⁷⁷ See at: Sociálny výbor odsúhlasil rodičovskú novelu Zákonníka práce/ Social Commission adopted the "Parents' Amendment" of the Labour Code. Changenet, 13 June 2007: <http://www.changenet.sk/?section=spr&x=276473>, and

Rodičovská novela Zákonníka práce neprešla v gestorskom výbore/ The "Parents' Amendment" of the Labour Code was not adopted in a protector's commission. Changenet, 19 June 2007: <http://www.changenet.sk/?section=spr&x=277243>.

leave up until the child reaches three years of age. If this concerns a long-term-seriously disabled child requiring extraordinary care, an employer shall be obliged to grant parental leave until the child reaches six years of age. Such leave shall be provided to the extent of the parent's request; generally, always for a period of at least one month.

An entitlement to maternity and parental leave is equally granted to a woman or a man who, on the basis of a valid decision of a court or other authorised body, takes a child into their care in substitution for parental care, and is aimed at a future adoption or fostering care.

** Some other legal provisions on parental leave and benefit*

The Labour Code does not explicitly provide that parental leave can be taken by both parents simultaneously. However, the law does not exclude this possibility, and the wording of the relevant Article 2 implicitly allows this possibility. However, this opportunity of simultaneous parental leave taken by both parents is excluded in practice by the fact that social security during parental leave is almost exclusively limited to supporting only one parent.

According to the Section (§) 157 of the Labour Code, the employee, after he or she returns from the parental leave, has a right to be deployed to his or her original post and working place.

According to the Act on Parental Benefit, a *parental benefit* is a state social benefit through which the state makes a contribution to a parent to provide personal and proper care for a child up to three years of age or for a child with a long-term unfavourable state of health up to six years of age. The law applies equally to biological parents and to other persons who care for the child. If caring for the same child, the parental benefit can only be granted to one of the parents.

The condition of personal care is also fulfilled when an earning parent or a parent studying at a university or high school maintains the care for a child by using another adult person and does not place his or her child into crèche, kindergarten or a similar facility.

For the rest of cases of parental leave, the law either provides for *wage compensation* or for *social security benefits*. Wage compensation is granted to a parent, who accompanies a family member (e.g. a child) to a medical facility in case of a sudden illness or accident, or in case of an arranged appointment; this leave with wage compensation can only be granted for no more than seven days per year, and the accompaniment must be unavoidable. The *care benefit* is provided for in days, commencing with the first day of providing care and ending with the last day of care (but not later than on the tenth day). A concurrent payment of a parental benefit or a maternity benefit with the treatment benefit is, according to Article 43 of the Law on Social Security, not possible.

** Breastfeeding*

Apart from the provisions on maternity leave connected to childbirth, special leave is also granted to mothers who are *breastfeeding*. According to Article 170 of the Labour Code, a mother who is breastfeeding her child is entitled, apart from regular working breaks, to

special breaks for breastfeeding. These breaks are treated as work performance and the breastfeeding woman is provided with wage compensation equal to her average pay.

* *Notice*

Except in specified cases, it is *prohibited to give notice* to an employee while she is pregnant or on maternity leave, or while she or he is on parental leave (this period, according to Article 64 of the Labour Code, is known as “protected period”). It is also prohibited to immediately terminate an employment relationship with a single worker caring for a child younger than three years of age. A pregnant woman or worker on maternity or parental leave is not only protected in terms of prohibition of dismissal, but also in terms of the protection guaranteed to workers who cease their maternity or parental leave. If such workers return to work following their maternity or parental leave, they are, pursuant to Article 157 of the Labour Code, entitled to be transferred back to their original work and working position.

In social security, *contributions and benefits* are based on equal conditions *for both full-time and part-time workers*: the fixed percentage of contributions and the fixed percentage of benefits are independent on the income earned; the law derives contributions from the actual incomes and does not distinguish between part-time workers and full-time workers. However, there is an upper income limit above which no levies are drawn, which may be disadvantageous for women in cases of job-sharing.

There is no special law in Slovakia on *self-employed workers* and their treatment. There are, however, several laws that define the concept of self-employed worker, all for the purpose of the particular laws. These laws include the Act on Services of Employment and the Act on Social Insurance.

Unpaid work

Comparative research carried out in 1995 showed that the participation of women in unpaid work in Bulgaria, Slovenia, and Hungary is about 65%, a figure that is probably similar in Slovakia.⁷⁸ After 1990, many families have experienced a decrease in their real incomes and the importance of unpaid domestic work, particularly of food production, has increased. The lack of job opportunities near people's homes, especially in the countryside, greatly increased the necessity for men to work outside their hometowns or villages. In such cases, all child- and household-related care remains the domain of women who often tend to the needs of aging grandparents and cultivate a garden or even field.

Compared to men, women are greater supporters of a balanced division of household labour; men tend to favour the traditional model, which assigns the largest share of responsibilities to women. After 1989, the increasing differentiation of Slovak society has been accompanied by a differentiation of family models. For a majority of women, the family and house-keeping remains their domain, the work that is unpaid and publicly

⁷⁸ Data according to Pietruchová, Oľga,

“invisible”. In Slovakia, in this area no consistent research, no targeted governing, and no relevant policy exist.

TIMELINE:

► **2001: Zákon č. 311/2001 Z. z. – Zákonník práce v znení neskorších predpisov/ Act No. 311/2001 Coll., the Labour Code, as later amended**

The Labour Code is framed on the protection of the employee with family responsibility. During the time when a female employee is pregnant, or is on maternity leave, or when the female employee or an employee is on parental leave, or a single employee takes care of a child under three years of age, the employer may not serve them notice. The employer may terminate the employment relationship with the above group of employees only exceptionally. The reason for notice must be defined by merits so as to ensure that it is not confused with another reason; otherwise the notice shall be null and void. The reason for notice cannot be subsequently changed.

► **2003: Zákon č. 461/2003 Z. z. o sociálnom poistení v znení neskorších predpisov/ Act No. 461/2003 Coll. on social insurance, as amended**

Pursuant to the Act, in the period under review, the State paid insurance contributions for old-age and disability pensions for a person who personally and on a daily basis cares for a child aged up to six years, or until seven for a child with a long-term unfavourable health state.

► **2004: Zákon č. 43/2004 Z. z. o starobnom dôchodkovom sporení a o zmene a doplnení niektorých zákonov v znení neskorších predpisov/ Act No. 43/2004 Coll. on old-age pension saving and on the amendment of certain acts**

From the effect of that Act (from 1 January 2005) the state pays also the contributions for old-age pension saving for the specified persons.

► **2005: Zákon č. 244/2005 Z. z., ktorým sa mení a dopĺňa zákon č. 280/2002 Z. z. o rodičovskom príspevku/ Act No. 244/2005 Coll., amending the Act No. 280/2002 Coll. on parental allowance and on the amendment of certain acts, as later amended, that went into force on 1 July 2005.**

One of the measures allowing reconciliation of work and family life, to create conditions for the rise of more flexible services for childcare in the child’s home setting, or outside it, and to affect positively the choices of the parent in making provision for the child in early childhood, has been implemented by the adoption of the presented Act. The new regulation has extended the options of care after the child aged up to three or six years, while facilitating preparation and participation of parents in the labour market. After this amendment, working parents who have arranged for childcare by another person can draw the parental allowance like those parents who take care of their child personally.

● EQUAL PAY/ GENDER PAY GAP

* *Theoretical starting-point*

A very general 'flavour' of the principle of equal pay for equal work and work of equal value can be derived from the *Slovak Constitution*. The principle of equal pay can also be derived from the *Act on Anti-Discrimination*. The Act on Anti-Discrimination contains a general statement that the principle of equal treatment in terms of employment relations shall also be observed in the field of remuneration. The principle of equal pay for equal work and for work of equal value is also contained in the *Labour Code*.

The principal Slovak public service legislation is contained in two separate laws – the *Act on Performing of Work in the Public Interest* (the employees covered by this law could be signed as public servants) and in the *Act on the remuneration of certain employees at performing of work in public interest* (the employees covered by this law could be signed as civil servants). The former is complemented by the *Act on employment services*. The public employment legislation contains a precise and concise job classification which, when combined with the general provision on prohibition of any discrimination in working relations in the widest sense of the word, has the potential to guarantee equal pay for equal work and work of equal value, at least in theory.

* *The state of the affairs*

The average wages of women and men in Slovakia have differed in the long term. Women's wages are clearly lower not only in per-hour or per-month indicators but also according to the age, education and professional categories. In recent years, the gender gap in salaries has grown even wider. The differences in the remuneration of women and men are much greater in the business sector: in 2004, women earned 81% as much as men in the non-business sector but only 73% in the business sector.⁷⁹

Even when women and men have identical levels of education, this is no guarantee that they will be paid equally. In 2000, women earned lower wages in each education category, ranging from 65% to 78% of men's wages. This gap did not decline with an increase in level of education. On the contrary, over the past two years the greatest wage gap between men and women has been in the category of people with university degrees. Wage differences between men and women exist in all categories of occupation, and do not decrease as one moves up the career ladder: The pay gap was the greatest among legislators and top managers. The income gap between men and women also tends to increase with age. In 2000, the greatest difference was among the oldest employees (almost 30%), if compared to the youngest employees (13%) and the 20–24 age group (10%).

All these data indicate that *income discrimination against women exists in Slovakia*. Moreover, these wage differences are consequently reflected in women's retirement pensions, which in general are lower than men's pensions. Pay gap and pension

⁷⁹ Analýza rozdielov v priemerných zárobkoch žien a mužov v SR/ Analysis of Disparities in the Average Wage of Women and Men in the Slovak Republic, 2005. Bratislava: Ministerstvo práce, sociálnych vecí a rodiny SR.

differences indicate that *poverty is becoming feminized* in Slovakia,⁸⁰ apart from widow's pensions which are usually presented as a contra-indication or some kind of "affirmative" measure.

TIMELINE:

► 1999: Národná správa SR o implementácii Pekinskej Akčnej platformy/ National report on implementation of Beijing Action Platform

Employment of women, horizontal segregation, education level of women: According to the report, from 1990 to 1997 the rate of economic activity of women in employment gradually decreased. The decrease was greater for women. It was a reaction to the enforced high employment rate of women during the previous regime, when women had not only a right, but also an obligation to work.⁸¹ Industries where women were employed the most were light industry, trade, restaurant services, but mainly education, healthcare and social security (public services). These three domains can be characterized as feminized. Private sector remains the domain of men. Women are much more interested in increasing their qualifications than men. It can be said that the educational structure of female workforce is comparable with that of the European Union. Also, the number of re-qualified women (in relation to a high rate of unemployment in the SR) is in long-term perspective markedly higher than the number of men.

Unemployment in women: According to the report, up to 1989 in Slovakia the unemployment rate was zero, and there was only hidden unemployment or over-employment. Unemployment is a new phenomenon in the labour market and it increases slightly every year. The share of women in overall unemployment in 1998 was 46.8 %. Unemployment is 1 to 1.5 percentage points higher in women than in men; predominantly long-term, with no unemployment benefits, often dealt with through one of the forms of social assistance. Secondary school female graduates share the highest percentage of unemployment rate (35 % out of all unemployed women), whereas in men, the highest rate is among apprentice school graduates (31.3 %).

Differences in remuneration: So called soft industries are characterized by lower wages, which are at or under the level of the average wage in the Slovak economy. Earnings are pronouncedly lower, migration of the female workers grows and the social prestige and status of these vocations decreases. Equal wage for the same work, or the work of the same value, is legally guaranteed. However, there is a marked discrepancy between formal equality and real inequality. Differences in the 1990s resulted predominantly from different job positions allocated to women, overtime paid to male employees in continuous operations but, to a certain extent, also from wrongly applied wage practice. Men are

⁸⁰ Pietruchová, Oľga, 2005. Analýza dôchodkovej reformy z rodového hľadiska/ Gender Analysis of the Pension Reform. Available at www.moznostvolby.sk

⁸¹ In 2004 employed women represented almost 51 % from overall number of women between 15 and 64 years of age, whereas among men, the employment rate was about 63 % (Eurostat).

allocated to higher payroll classes and receive higher bonuses substantiated by the argument that they are breadwinners of their families.

The gap in wages of men and women is consequently reflected in the sum of retirement pension which is lower for women. Over recent years, the share of widows has been almost 5.5 times higher than widowers. The process of the feminization of the elderly is related to the need to review the social security so that it deals with the feminization of poverty, which continues in Slovakia.

Unpaid household work of women: As a relevant indicator of economic, social and gender policies appearing only in recent years, it is not singled out from the gross domestic product yet, and it is not reflected in government documents and legislation (as stated in the National report).

► **2001: Zákon č. 311/2001 Z. z. – Zákonník práce v znení neskorších predpisov/ Act No. 311/2001 Coll., the Labour Code, as later amended**

Paragraph 119 defines a condition of just remuneration as it follows:

*Wage conditions must be equal for both men and women without any discrimination on grounds of sex. Women and men shall be entitled to equal wages for work of an equal level of complexity, responsibility, and difficulty, performed under the same working conditions and upon achievement of the same efficiency and work results.*⁸²

► **2003, 2006:** The fact that the situation in a remuneration of women could not be tackled in the longer-term is also due to the absence of effective control mechanisms. In this regard it is positive that by the **Act No. 125/2006 Coll. on labour inspection, and the amendment of the Labour Code** (2003), in which section 3 of § 119 on equal remuneration of women and men was added, the oversight of the labour inspection has been extended to the area of equality between men and women from the aspect of remuneration.

The National Labour Inspectorate conducted inspections in employer organizations. On the basis of one of them conducted in 2003: *Strengthening of equal opportunities, reconciliation of work and family life*, it was suggested that the inspection in this area must be conducted continually over a longer time span, particularly with respect to women and men employees expected to return from maternity leave and persons applying for work in pre-contractual arrangements. (However, such oriented inspections present something of an exception to regular proceedings.)

► **2007:** As stated in the **CEDAW Report 2002 – 2006**, in spite of satisfactory legislation, equality has not been achieved in Slovakia in the remuneration of women and men. The pay gap is greater in the private sector and tends to rise with the level of education achieved. Occupational segregation by gender has been significantly reflected in the

⁸² In the opinion of some experts, this provision does not guarantee sufficiently equal remuneration for the work of the same value, just for the same work. That is why it does not comply with the Council Directive No. 75/117/EHS on the approximation of laws of member states about application of the same remuneration for men and women, or complies with it only „indirectly”.

gender pay gap but it is not the only reason. In the feminized branches wages fluctuate at or below the level of the average wages in the SR economy.⁸³

According to the **Odpočet vlády/ Government Accountability Report** issued after 365 days from being installed, specifically the **Accountability Report of MPSVR SR**, one of the priorities of governmental policies is also a systematic solution to the gender pay gap. MPSVR currently works on the proposal of measures for achieving equal remuneration of women and men. The attention of the Ministry shall be focused on the issues of eliminating the long-term unemployment of women and predominantly to the increasing of employment rate of elder women through the support of private businesses and self-employment or other income-generating activities of women.⁸⁴

● TAX-BENEFITS POLICIES

Tax-benefits are governed mainly within both social (benefits) and state family policies. Tax legislation just technically contributes to the subissue.

The Constitution, in several articles, contains provisions on protection of persons against various social risks. For example, Article 35(3) contains a provision according to which the state is obliged to materially secure citizens who, for reasons independent of their fault, cannot perform the right to work themselves. Article 39 provides for adequate material security in old age and in case of incapacity to work, and also in cases of loss of a family provider. Article 39 also provides for the right to help in material need, in order to secure basic living conditions. Article 40 provides for the right to free medical treatment and equipment on the basis of medical insurance. Article 41 provides for the right of parents who care for children to special help from the state. This article also provides for special treatment for pregnant women.

The system of social security in Slovakia has undergone numerous changes (both structural and 'cosmetic') in the last few years. These changes can be characterized as common for a society burdened by the weight of a residual socialist regime, and by challenges stemming from the requirements of a market economy and merit system, and also from the requirements of the accession process to the European Union. However, the end of the year 2003 and the beginning of the year 2004 brought changes that significantly reshaped the entire concept of social security. These changes included the adoption of Act No. 461 of 2003 on Social Insurance, and the adoption of Act No. 43 of 2004 on Old-Age Pension Saving.

⁸³ See more in: Barošová, Margita; 2006. Monitoring rodovej segregácie na trhu práce – analýza dopadov transformačných zmien/ Monitoring on gender segregation at labour market – analysis of the consequences of transformation changes. The second part of the analysis contains gender segregation and gender wage differences monitoring by sectors, branch activities (NACE), occupations and wage range within a year 1996, 2001 and 2005 at the labour market. The results of the research show these aspects as being in a direct relation in terms of multiple women's discrimination at labour market.

⁸⁴ In: Rok vlády v sociálnej oblasti – 22. 6. 2007 (odpočet vlády)/ A year of the government in social area – 22 June 2007 (the cabinet's accountability report). See at http://www.employment.gov.sk/new/index.php?SMC=1&mod=news&news_id=106

One of the measures of social and family policies in Slovakia is the support of family revenue by state. A gender viewpoint (segregated data, gender-segregated approach) hardly ever applied – with the exception of maternity allowance and partially, sickness insurance. The status of a parent or a caregiver of the applicant for social assistance or tax relief is a decisive factor. The forms of the assistance are as follows:

(1) *State social benefits*: a/ Child allowance (up to 1994 a part of sickness insurance, from 1994 a state benefit. Amendments: 1994, 2001, 2002, 2004); b/ Parental allowance; c/ Child-birth contribution; d/ Maintenance benefit; e/ Foster parent allowance; f/ Funeral contribution.

(2) *Sickness insurance*: a/ Caregiving benefit (care of an ill member of the family); b/ Maternity allowance (for the insuree who is pregnant or takes care of a newly-born child); c/ Differential benefit (for a female employee during the time she is transferred to a different job due to her pregnancy).

(3) *Taxation reliefs and bonuses*: a/ Tax base reduction (except for the taxpayer) for the spouse living with the taxpayer in the same household; b/ Tax reduction for every child living in the same household with the taxpayer;

(4) *Other benefits supporting the family revenue – household-dependent*: a/ Material need benefit; b/ Contribution to material need benefit; c/ Travelling expense discounts; d/ Scholarships; e/ others.

TIMELINE

► **2003**: By the adoption of the **Act No. 461/2003 Coll. on social insurance, as later amended**, with effect from 1 January 2004, a reform has taken place in the area of social security. It includes provisions on sickness, maternity (social), but also pension insurance. During the previous government mandate, this law was amended 17 times! The latest amendment by the Act No. 310/2006 which came to effect on 1 August 2006, has been already elaborated by the new government as part of a left-wing correction of a right-wing social reform.

Social security in Slovakia has currently three basic forms: (1) social insurance, (2) social assistance, (3) social benefits (family allowances).

Based on the reforms referred to above, the state also set about *supporting families with children* according to new rules set out in the relevant amendments of the acts. In respect of every dependent child the state provides a *flat-rate child allowance* irrespective of the family income. The parents that are gainfully employed can also get a *monthly tax bonus* in respect of every dependent child. Until 31 December 2005, the state also supported families with the *contribution advantage* (one of the parents could reduce his/her mandatory contribution liability for pension insurance by 0.5% in respect of every dependent child, without it having an effect upon his or her pension).

* *Tax- bonus*

As has already been noted, from January 2004 a change has taken place in supporting families with children. Working parents may, in addition to the child allowance, receive a so-called *tax bonus*, monthly, in respect of every dependent child, which is intended to act as motivation for job search and job retention and at the same time should help the low-income groups (it is provided on the principle of a zero tax). Through this tax instrument the state increases the net income to parents with dependent children, who carry out gainful activity, with effect from 1 September 2005, by 540 SKK per month per every dependent child. If the amount of taxable income of a parent from employment does not achieve at least 3.800 SKK (half of a minimum wage in Slovakia), there is no entitlement to the tax bonus in that calendar month. The condition for claiming tax bonus is the child lives in the same household with the taxpayer.

Gender of the taxpayer does not influence the possibility to claim tax bonus or tax benefit in any way. The only exception is determining the order of taxpayers, if both fulfill the conditions for claiming tax bonus and they did not achieve agreement in this matter. Here the mother has a priority over the father or other entitled person.

The state had also supported families with children through a contribution liability advantage; the rate of insurance contribution for old-age pension was reduced for one parent by 0.5 % per every dependent child, without it having an effect on the pension. From January 2006, this form of a tax-benefit policy does not exist more.

* *Child allowance*

A child allowance is the most common family benefit, provided at 540 SKK/monthly regardless of a family income, in respect of every dependent child (up to 25 years of age).

* *Parental allowance*⁸⁵

For the parent to provide proper care after the birth of the child, the effective legislation allows the parent a parental allowance. As has been stated under the Article 11 of the Act, the legislation at hand permits the parent to freely select whether she or he will take care of the child personally or arrange for the childcare rendered through another person, and pay for it from the parental allowance.

On 1 July 2005, the Act No 244/2005 Coll. went into force amending the Act No. 280/2002 Coll. on parental allowance, as later amended. The new legislation unified the amount of parental allowance for the parent who personally takes care of her/his own child and for the parent involved in gainful employment. At the same time, it permits payment of the maternity allowance up to the level of the parental allowance in cases where this sickness insurance benefit does not reach the amount of granted maternity allowance; thereby removing the inequality in financial provision between a gainfully employed parent and a parent who prior to the child's birth had not been involved in gainful employment.

⁸⁵ By the OSI report on a gender equality issue in the SR (2005), in 2004 the parental benefit was paid to the mother in 97.5 percent of cases.

** Child birth allowance, as a one-off benefit*

With a view to mitigating the initial increased expenses of parents associated with the needs of the newborn, parents are provided with the *child birth allowance*. It is provided as a one-off benefit in respect of every child. With effect from 1 September 2005, the amount of the childbirth allowance was increased to 4.460 SKK per child. In the case of multiple children born simultaneously, the childbirth allowance may be increased by half of the cited amount, or parents may be provided another single-time allowance on the relevant calendar days until the children born simultaneously reach 15 years of age.

** Allowance for alternative family care*

In the provision of alternative family care, the state provides one-off and periodical allowances to cover the needs of the child entrusted in alternative family care, and a recurrent allowance to foster parents.

** Maintenance allowance*

Through the maintenance allowance which constitutes the least frequently used family support the state contributes towards the needs of a family of the citizen and other dependent persons (including dependent children of a soldier) during his serving the basic military service, the substitute military service, or the civilian service. Insofar as the army of the SR has been professionalized, from 2006, the allowance is no longer payable.

** Maternity contribution and nursing contribution*

Unlike previous social benefits and tax benefits, these two benefits are related to the social insurance every citizen pays from his or her income. It means that a woman who is either not insured or not insured for a sufficiently long time (in compliance with pertinent provisions of the law) is not entitled to maternity contribution during her maternity leave; and the amount of her contribution reflects the amount of taxes she paid into the pertinent social fund.

► 2003: Zákon č. 595/2003 Z. z. o dani z príjmov v znení neskorších predpisov, novelizovaný zákonom č. 688/2006 Z. z., s platnosťou od 1. 1. 2007/ Act No. 595/2003 Coll. on income tax as amended later, amended by Act No. 688/2006 Coll., coming into force as of 1 January 2007

Pursuant to § 9 of the Act, the income exempted from income tax includes the revenue received within alimentation according to special regulation.

Pursuant to § 11 the fixed part of the tax base that is exempted from income tax (determined by pertinent multiplication of effective amount of life subsistence) is extended if a husband or wife with no income or the income complying with pertinent provisions of the law lives with the taxpayer in the same household.

The parts of the tax base that are exempted from income tax are also: a) contributions to additional pension savings fund according to special regulation; b) financial means for fence-ringed savings; c) life insurance premiums.

Section 33, together with §§ 36 and 37, specify the tax bonus to be a tool of tax policy, and determine its entitlement and the way the claim is substantiated by the taxpayer.

Tax-benefit policy linked to the issue of gender equality policies is the only part of social-benefit policy governed by the law on public servants as well. The overview of the social benefits structure related to gender issues was presented above. Alongside it are other social benefits (e.g. allowance in material need or unemployment allowance) and health-care insurance.

● ACCESS TO THE LABOUR MARKET

Legislation

Access to employment, vocational training and promotion are generally dealt with in the Anti-discrimination Act, and a more detailed elaboration on this area is contained in employment legislation and in the Act on Services of Employment. The Anti-discrimination Act provides for equal treatment and thus prohibition of discrimination on the basis of sex in the field of access to employment, including job requirements (which can also encompass job advertisements), and conditions and means of performing employee selections. The act also provides for a general prohibition of discrimination in access to vocational training and job selection consultancies. A prohibition of discrimination in terms of promotion is contained in the Anti-discrimination Act as well. The Labour Code is already more specific in terms of access to employment. Apart from the general equal treatment clause in Article 13 that applies to all employment relationships from beginning to end, it contains a special article on so-called 'precontractual relations'.

The Act on Services of Employment contains a more detailed concept of equal treatment in access to employment and vocational training. In order to ensure the application of the equal treatment principle in access to employment, the Act on Services of Employment also contains a provision on the duty of Labour offices to inform job applicants about their right to equal treatment in access to employment. Moreover, Article 62 prohibits job advertisements that contain any restrictions or discrimination on the basis of, *inter alia*, sex, marital or family status, social origin or gender.

Protection against dismissal in reaction to enforcing rights connected to the principle of equal treatment is encoded in equal treatment legislation in Slovakia. Adverse treatment (and hence an implicit prohibition of dismissal) is not only prohibited by the Labour Code and accordingly by the public service legislation, but is also prohibited by the Anti-discrimination Act. This act provides that adverse treatment (and therefore dismissal because a person affected by adverse treatment lodged a complaint) is one form of discrimination, and the affected person therefore deserves the same scope of protection as in all other cases of discrimination.

Pregnancy and maternity are given special attention in the Constitution. Article 41 *inter alia* says that motherhood, parenthood and family are protected by law. It further states that

special care shall be guaranteed to pregnant women, and that they shall be guaranteed protection in employment relations, including adequate working conditions.

The core protective legislation for pregnant workers is contained in the Labour Code, and it also applies to public service relations. An important part of this legislation is also contained in a legal act of a lower legal force, namely government regulation No. 272 of 2004, establishing a list of works or workplaces that are either prohibited or risky for pregnant women, for women who have recently given birth or for women who are breastfeeding, and establishing some duties for employers who employ these women. The Anti-discrimination Act contains an explicit provision stating that discrimination for reasons of pregnancy or maternity is considered to be discrimination based on sex.

The state of the affairs

* *Labour market and the employment rate:* A few years ago, Slovakia's labour market showed the following characteristics: a lower employment rate for women; a higher share of women employed in the tertiary sector; the existence of gender-segregated sectors of economic activity and professions; a stronger representation of men in management positions; lower salaries for women; a lower representation of women in business; worse pay or worse career opportunities in feminized sectors of economic activity.⁸⁶ From 2002 to 2006, Slovakia's labour market retained these main features, although the concrete numbers changed. Women made up 45% of the total number of people employed. The difference between women and men in terms of employment rate still exceeds 12 percentage points; in 2004, the employment rate of men was 63.2% while the employment rate of women was 50.9%.⁸⁷

* *Labour market and the unemployment rate:* Since the beginning of the 1990s, the unemployment rate in Slovakia has grown dramatically, from 1.6% in 1990 to 18.8% by 2000. The unemployment rate was lower among women between 20 and 29 years, although that does not necessarily mean they are more successful on the labour market. Many young women cope with the absence of job opportunities by staying at home with small children or leaving the country to take jobs abroad, for instance as *au pairs*. The share of unemployed women in the middle-aged brackets, however, is still increasing, although in the over-50 age group the ratio of unemployed women and men levels out again. All in all, unemployment in Slovakia, in general, did not and does not show significant gender inequalities. However, large gender differences could be observed in employment, especially in the feminization of certain branches and professions, the over-

⁸⁶ Bútorová, Zora, Jarmila Filadelfiová, Jana Cviková, Oľga Gyárfášová and Katarína Farkašová. 2002. Ženy, muži a rovnosť príležitostí/ Women, men and equality of opportunities. In Slovensko 2002. Súhrnná správa o stave spoločnosti/ Slovakia 2002: A global report on the state of society, ed. Miroslav Kollár, Grigorij Mesežnikov, and Tom Nicholson. Bratislava: Inštitút pre verejné otázky.

⁸⁷ In greater detail, gender disparities on the labour market are discussed in Filadelfiová, Jarmila, 2007. Ženy, muži a vek v štatistikách trhu práce/ Women, Men and Age in Labour Market. Bratislava: Institute for Public Affairs.

representation of men in top management posts, and wage discrimination against women.⁸⁸

For a long time, *the overall unemployment rate* in Slovakia was over 18%, with few differences between male and female unemployment. Since 2002, however, unemployment among women has been higher than among men. In 2004, the difference grew to 2.3% (i.e. 17% among men and 19.3% among women). The rate of long-term unemployment among women was one to two percentage points higher than among men. In 2004, one in eight economically active women (12.5%) and one in nine economically active men (11%) were jobless in the long term. Both categories of long-term unemployed are dominated by people with low education.

* *Horizontal segregation*: In the long term, more men have been employed in the private sector (62%), while women have prevailed in the public sector (54%). Only one in four self-employed people is a woman, while women strongly prevail among household members helping in family businesses (70%). Most women are employed in the service sector (75%), while men are more or less evenly divided between the industrial and service sectors. Economic sectors have remained largely segregated. Women were numerically superior in trade and catering, education, the health service and social care, and the banking and insurance sectors. A comparison with 2002 shows that feminization/masculinization has deepened in all but two sectors. Most feminized sectors have lower average wages.⁸⁹

* *Vertical segregation*: On Slovakia's labour market, the female and male workforce is concentrated in different segments. This is largely determined by the different choices that women and men make in their major study or professional training. However, some imbalances cannot be explained only by the differences in education. Women are poorly represented in the top category of professions, and that has not changed even with improvements in women's education. Therefore, overcoming the gender gap in employment requires not only changes in the professional orientation of women and men during their professional training, but also the identification and elimination of structural barriers.⁹⁰

* *Flexibility of labour relations and working time*: In Slovakia, full-time employment remains the dominant form of employment, as 79.8% of all employed Slovaks have full-time jobs. Only 4.2% of all employed women and 1.4% of all employed men had part-time jobs in 2004. In 2005, only 10% of employed women and 8% of employed men performed at least some part of their work at home. On the other hand, working at atypical times, such as overtime, night work, weekend work or holiday work, was relatively common: 9.2% of all

⁸⁸ The data about the state of the affairs at the end of 90's came from: Slovakia 1998 – 1999. A global report on the state of society. (Although, concerning the non-employment issue, it has been developed in a different way – and on women's account.)

⁸⁹ Štatistické ročenky SR/ Statistical Yearbooks of the Slovak Republic, 1993 – 2005. Bratislava: Štatistický úrad SR.

⁹⁰ Filadelfiová, Jarmila, 2007. Ženy, muži a vek v štatistikách trhu práce/ Women, Men and Age in Labour Market. Bratislava: Institute for Public Affairs.

employed men and 5.1% of all employed women regularly worked overtime in 2005; 18.6% of men and 12.5% of women regularly worked night shifts; 27.6% of men and 23.6% of women regularly worked on Saturdays⁹¹

In the interest of expanding flexible forms of working time organization, a legislative framework has been passed, effective as of 1. 7. 2003 (see more in subissue Reconciliation).

TIMELINE

► **2001: Konceptia rovnosti príležitostí žien a mužov/ The Concept of Equal Opportunities for Men and Women**

Part 3.1. *Rovnosť príležitostí na trhu práce v Slovenskej republike/ Equal Opportunities at the labour market in the Slovak Republic* of the Concept characterizes the employment of men and women, and the issue of the pension system. Lower earnings of women and their earlier retirement age in comparison with men, as well as traditions and historical development, determine the amount of both old-age and disability pensions for women, calculated from a lower base. The Concept deals with prepared legislative regulation of labour legal relations (draft of a new Labour Code) – the ban of discrimination at work on grounds of sex, protection of pregnant women and mothers, entitlement of a man to parental leave, etc. The document further discusses the differences in remuneration of men and women.

► **2003, July: The amendment of the Labour Code** came into effect designing conditions for higher flexibility at labour market, as well as wider exploitation of non-standard forms of employment. (See more in subissue Reconciliation)

► **2004: Article 14 of the Act No. 5/2004 Coll. on employment services, as amended by the Act No. 365/2004 Coll. (the Anti-discrimination Act)** enshrines the right of the citizen to access to employment without any restrictions, in compliance with the principle of equal treatment in employment relations and equivalent legal relations, as laid down in the Anti-discrimination Act, while prohibiting discrimination also on the grounds of marital or family status. The cited act contains provisions that substantively link to the Council Directive 76/207/EEC, of 9 February 1996, on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions and the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

Based on the Act, a citizen has the right to lodge a complaint with the Office of Labour, Social Affairs and Family in respect of the infringement of the above rights and obligations.

► **2002: The Government of the SR adopted Konceptia politiky zamestnanosti na roky 2002 – 2003/ Concept of Employment Policy for the years 2002 – 2003** and its

⁹¹ Špeciálne výstupy zo spracovania štatistického zisťovania ISCP (MPSVR SR) 1–04, 3. štvrťrok 2005/ Special Findings of the ISCP Statistical Survey for 3Q 2005; 2005. Bratislava: Trexima.

objectives have been elaborated on in the **National Employment Plan** and in the **National Action Plan of Employment 2002 – 2003**. Both national plans have been drawn up in consistency with the *Employment Policy Guidelines*, which were adopted by the Council of the EU. They set out four basic pillars for the area of employment policies. One of the pillars (IV) is directly focused on the strengthening of the policies of equal opportunities in access to employment. In this pillar a number of measures have been worked out with a view to improving the situation of women's position in the labour market.

► **2004: Národný akčný plán zamestnanosti na roky 2004 – 2006/ National action plan of employment 2004 – 2006**

This previous action plan was followed by the *National Action Plan of Employment 2004 – 2006*, which in its individual chapters, also arranged according to the Employment Policy Guidelines, covers the issues of equal opportunities and gender equality in all of its parts (intersectional nature of the document). The basic framework for limiting gender and other differences was established by the Anti-discrimination Act (the Act on Equal Treatment in Certain Areas and Protection against Discrimination) passed in 2004.

Structural reforms: The main strategic objective of the Slovak Republic is, according to the NAP, to achieve the target of the Lisbon strategy: a total employment rate of 70% in 2010. The SR government has introduced and is implementing a number of structural reforms that relate to this strategic goal. Here they are listed:

(1) The amended, *flexible Labour Code* (2003) anticipates a balancing of the need for flexibility in the labour market with the requirement for the protection of employees' rights in contractual relations.

(2) In 2003, a significant *reform of the tax system* took place. A unified 19% flat rate of income tax was introduced for corporations and individuals and the system was made considerably simpler.

(3) At the beginning of 2004 an *institutional reform* came into force whose main effect was to combine employment services with the state administration's activities in the area of social services and provide all services in the area of employment together with related social security benefits.

(4) *The Act on Employment Services* (February 2004) created a legal framework for the offices of labour, social affairs and family to provide more directed and individually focused employment services, which help unemployed citizens to get back into the labour market. In order to increase the speed at which the measures begin to have an impact on the labour market, the SR Ministry of Labour, Social Affairs and Family has prepared national projects to be co-financed from the European Social Fund (ESF).

(5) As part of the implementation of *pensions reform*, a system of compulsory old-age pensions saving, as a so-called second pillar of the pensions system, in order to guarantee the long-term financial stability of the pensions system was established. (See more in Pension system subissue.)

(6) In the market for products and services, the key focus is on *increasing productivity* through a favourable investment climate, higher intensity of competition, liberalization,

support for business and effective regulation. Strengthening the status of small and medium-size enterprises is also one of the priorities of economic policy.

According to the NAP, these legislative changes implemented in 2003 – 2004 (the beginning of the year) created conditions for achieving the main strategic objective, although the consequences of them will be most apparent in the following years.

Three overarching objectives – in the wider economic context: (1) Full employment; (2) Increasing quality and productivity at work; (3) Strengthening social cohesion and inclusion (see below).

Other subissues covered by the document:

* *Gender equality field, child-care and social services:* The NAP deals, for example, with statistics and employment rate in SR, unions' policy in this field, and states that "the provisions of collective agreements including the sections on wages are formulated in a gender neutral fashion." In 2003, as the NAP states, the capacities of child care services are not sufficient. Furthermore, there is a danger that even existing facilities will be closed, especially in small towns, as a result of insufficient funding for their running costs following decentralization of these services to the municipality. Lack of financing is also a threat to the operation of school clubs for elementary school children.

The child-care services least available to families at present are services to take care of children in the event of unexpected or short-term events or situations either in the family environment or outside it, a service that would be particularly useful for single parents. According to the available statistics (Infostat Bratislava, 2004) there are only 22 licensed sole traders in Slovakia whose main activity is child care (licensed au-pair).

Social services (so-called facilitative services) help to balance work and family life and enable men and women to participate actively in the labour market by taking care of family members who are dependent on their assistance. In 2003, these services were unable to meet the demand from citizens (long waiting lists).

The decentralization of social services into the control of local government bodies has continued. The financial accessibility of social services provided by public bodies is guaranteed by legal measures that prohibit charging citizens fees for social services that are not proportionate to their income, assets and family conditions.

In the area of public financial support for initiatives of private providers of social services, the amendment to the Act on Social Assistance has set a minimum level for financial contributions to the provision of social services and social guidance for private providers. The aim was to facilitate increased support for the establishment of social services facilities and facilitative services, because their expansion and increased quality help to balance work and family life. MPSVR SR will prepare a legislative amendment for providing contribution to the childcare services for employed parents of children up to three years of age; it shall represent a counter-balance to external childcare services.

* *Pay gap issue:* In this context, the NAP refers to the new legislation and the key role of social partners in future. Among planned provisions the legal analysis of the

implementation of Directive No. 75/117/EEC on equal pay for women and men in Slovak legislation is mentioned, as well as more effective control for detecting gender discrimination, particularly in the areas of tariff and non-tariff remuneration. ESF funds will be used to support activities focused on achieving gender equality in the labour market and the balancing of work and family life. Within the Community Initiative EQUAL, activities are being supported that focus primarily on the reduction of horizontal segregation.

Within promotion of the integration of, and combating discrimination against, people at a disadvantage in the labour market (guidelines 7), the NAP of employment 2004 – 2006 states a number of measures relating to a specific problem of Roma unemployment in Slovakia. In the concluding part it briefly lists the partners of MPSVR with a role in ensuring the implementation of individual principles (governmental and non-governmental sector, social partners, research), and briefly states the sources of the funding needed for meeting the goals of these tasks.

OTHER ISSUES

● PENSION SYSTEM⁹²

The ageing of the population significantly affects the make-up and situation of the economically active population, particularly women. One of principal aims of the pension reform launched in 2003 was to gradually equalize the retirement age for women and men, and to increase it to 62 years for both sexes. Needless to say, this aim concerns women in particular. Pursuant to *Act No. 461/ 2003 Coll. of laws. on social insurance as amended*, the age limit of 62 years will be binding for all men from 2007 on, and it will be binding for all women from 2014. The step by step approach for women transfer to the higher age category in this respect was successfully pushed through by trade unions within the tripartite negotiation.

In the way it was carried out, pension reform in Slovakia cannot boast a gender-sensitive approach. It prolongs the existence of a range of structurally conditioned discrimination practices against women in the labour market even after their retirement, and in relation to their pension security.⁹³ Among the most risky factors are: the large pay gap in remuneration of men and women, the impossibility of advancement in career for women at the time of maternity and parental leave, application of gender-differentiated tables in the insurance industry in relation to different average life expectancies in men and women (this

⁹² More about the issue can be found in: *Koncepcia reformy dôchodkového zabezpečenia v SR/ Reform of the Pension System in the Slovak Republic; the strategic document from 2003.* (In the document could be found no one case of using the term: gender/gendered.) See at <http://www.employment.gov.sk/new/index.php?SMC=1&id=454#> (in Slovak); <http://www.employment.gov.sk/new/index.php?SMC=1&id=662> (in English).

⁹³ Exhaustive analyses see at: Pietruchová Oľga: *Whose Work? Whose Pension? Gender Mainstreaming as a Tool for Gender Sensitive Pension Reform in Slovakia.* Rosa-Mayreder-College Master Program „International Gender Research & Feminist Politics" Vienna, 2005 – 2006. Published: September 2006. http://www.moznostvolby.sk/olga/mt_final.pdf (in English), or

Pietruchová Oľga: *Gender Mainstreaming v dôchodkovej reforme.* Available at <http://www.esfem.sk/?action=fileDownload&idFile=50> (the article – in Slovak)

was later handled by legal regulation), taking personal pension accounts out of tenancy by entirety and, last but not least, the large amount of unpaid work carried out by women (in house-keeping, families, providing for reproductive functions of society, but also in charities). Government policies in Slovakia do not deal with this marked issue – neither in economical, nor in social, anti-discrimination or gender levels. Therefore the feminization of poverty in Slovakia is interconnected mainly with the issue of feminization of old age. Age discrimination in the labour market (more pronounced in women) also has specific impact on pension security, especially for women.

TIMELINE

► **1999: Národná správa SR o implementácii Pekinskej Akčnej platformy/ National report of the Slovak Republic on the implementation of Beijing Platform for Action Social security.** According to the National report, the system of social security in 1998 was implemented via sickness insurance, pension security, state social support and social care (social assistance). In the sphere of pension security, an unfavorable tendency persists in the development of the average amount of old-age pension level as compared with average wages in the SR economy. A legislative reform of the pension system is under preparation.

► **2003: Adopted Zákon o sociálnom poistení č. 461/2003 Z. z. v znení neskorších predpisov/ Act No. 461/2003 Coll. on social insurance, as amended.**

The Act, with effect from 1 January 2004, laid down a *period of pension insurance* that is conditional for the rise of the entitlement to old-age pension uniformly for men and women, namely in the scope of minimum 10 years, and a phasing in of increased and non-discriminatory unification of old-age pension age for men and women, at 62. Though this legislation entails increasing the retirement age for women, it also brings about a possibility to reach a higher pension with regard to more years being worked.

Compared with the pension security legislation, effective until 31 December 2003, when the entitlement to the old-age pension was conditional on the achievement of minimum 25 years of employment and reaching of the required age, that was established essentially in a differential manner by sex, and the age prescribed for the entitlement to old-age pension of women was differentiated according to the number of children reared, with effect from 1 January 2004, fundamental changes have occurred in the entitlement conditions.

The Act was amended for the last time by the Act No. 310/2006, coming to effect on 1 August 2006. This amendment (already under the direction of new government) provided for a reconciliation of the legal regulation of securing 'old pensions' people were eligible for according to regulations effective before 1 January 2004, with the Constitution of the SR, based on the findings of the Constitutional Court No. 460/2006 Coll. of Laws. In this way, the element that disadvantaged so called 'old pensioners' in comparison with so called 'new pensioners' was largely removed. A new structure of management of Social Insurance was introduced as well.

► **2004:** According to the **Zákon č. 43/2004 Z. z. o starobnom dôchodkovom sporení a o zmene a doplnení niektorých zákonov v znení neskorších predpisov/ Act No. 43/2004 Coll. on old-age pension saving and on the amendment of certain acts**, individual saving accounts or personal old-age pension saving was introduced whereby greater merit-relatedness is achieved in the pension system. At the same time, options are put in place to draw an early old-age pension, or to draw a pension along with gainful activity, which gives women and men freedom of choice with regard to their social and health situation, to increase their income in addition to pension and thus also their financial independence and the quality of life.

The equal position of men and women is significantly visible also in the new system of old-age pension saving scheme, in which the calculation of pension is conditional on the use of gender non-differentiated (unisex) death tables. The very last amendment of the Act (already under the mandate of the new cabinet) dealt mainly with some sensitive issues related to administration and financial management of the pension asset management companies (problems of misuse of previous legislation).

- **ROMA WOMEN IN THE LABOUR MARKET** (intersectionality)

► **2003:** By Resolution No. 278/2003, in April 2003, the SR Government approved the **Principal Propositions for the Government Concept in the Integration of the Roma Communities** which is the baseline document of the central bodies of state administration for the development of long-term, medium-term and short-term objectives aimed at the Roma minority in the areas of education, employment, housing, health, human rights and culture. The Principal Propositions note that the position of the Roma women in the labour market is made more difficult not only by the disadvantage on the basis of their ethnic association but also on the basis of sex (multiple discrimination).

► **2005:** The Slovak Republic joined the international initiative of the Open Society Institute and the World Bank – *Dekáda integrácie Rómov/ A decade of the integration of the Roma population*, which will run in the period of 2005 – 2015 in nine countries having high representations of the Roma population, with a view to stepping up the social inclusion of the Roma. In January 2005, the Government of the SR adopted the **National Action Plan of the Decade** in which goals have been set out in four priority areas: education, housing, health and employment. Gender equality issues have also been incorporated in the particular priorities.

The activities of the Ministry of Labour, Social Affairs and Family of the SR in the areas of support for the priorities referred to above will concentrate on the use of the resources of the structural funds, primarily of the European Social Fund (ESF). Under the sectoral operational programmes and their complements, a number of measures have been defined which should contribute to a substantial solution to the situation of the Roma Communities, women included.

Literature⁹⁴

GENERAL • (all-embracing documents, covering more than one subissue)

Primary Sources

- ▶ Ústava SR – zákon č. 460/1992 Zb. v znení neskorších predpisov / The Constitution of the Slovak Republic No. 460/1992 Coll. as amended. (Length: approximately 34 pages.)
www.concourt.sk (English version); www.zbierky.sk (Slovak version)
- ▶ Národný akčný plán pre ženy v SR/ National Action Plan for Women in the SR. (Length: 6 pages.)
<http://www.gender.gov.sk/index.php?id=111&sID=1f60ea85a36052e95c5df7b552d87354&w=n%E1rodn%FD+ak%E8n%FD+pl%E1n+pre+%BEeny>
- ▶ Národná správa SR o implementácii Pekinskej Akčnej platformy/ National report of the Slovak Republic on the implementation of Beijing Action Platform. (Length: approximately 23 pages.)
- ▶ Konceptia rovnosti príležitostí žien a mužov/ The Concept of Equal Opportunities for Men and Women. (Length: approximately 30 pages.)
<http://www.employment.gov.sk/new/index.php?SMC=1&id=718>
- ▶ Zákon č. 311/2001 Z. z. – Zákonník práce v znení neskorších predpisov/ Act No. 311/2001 Coll., the Labour Code, as later amended. (Length: approximately 126 pages.)
<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=15893&FileName=01-z311&Rocnik=2001> (in Slovak);
<http://www.employment.gov.sk/new/index.php?SMC=1&id=662> → Labour Code
- ▶ Zákon č. 564/2001 Z. z. o verejnom ochrancovi práv v znení neskorších predpisov/ Act No. 564/2001 Coll. on the public defender of rights, as later amended. (Length: approximately 12 pages.)
<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=16150&FileName=01-z564&Rocnik=2001>
- ▶ Zákon č. 365/2004 Z. z. o rovnakom zaobchádzaní (antidiskriminačný zákon)/ Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination, amending and supplementing certain other laws (Anti-discrimination Act). (Length: approximately 30 pages.)
http://www.mosr.sk/legislativa/zakony/zakon365_2004.pdf (in Slovak);
<http://www-8.mensiny.vlada.gov.sk/index.php?ID=468> (in English)
- ▶ Hromadná pripomienka k návrhu novely antidiskriminačného zákona/ Public comments to the draft amendment of the Anti-discrimination Act; from April 2007. (Length: approximately 15 pages.)
<http://www.oad.sk/?q=sk/node/150>

⁹⁴ By sources, English (translated) versions of documents, particularly of the Acts are primarily informative.

► Informácia o priebehu a realizácii Národného akčného plánu pre ženy v SR v roku 2005/ Information on the course and implementation of National Action Plan for Women in the Slovak Republic in 2005. (Length: approximately 52 pages.)

<http://www.gender.gov.sk/index.php?id=111&slID=1f60ea85a36052e95c5df7b552d87354&w=n%E1rodn%FD+ak%E8n%FD+pl%E1n+pre+%BEeny> → Informácia o priebehu...

► Zákon č. 125/2006 Z. z. o inšpekcii práce a o zmene a doplnení zákona č. 82/2005 Z. z. o nelegálnej práci a nelegálnom zamestnávaní, a o zmene a doplnení niektorých zákonov/ Act No. 125/2006 Coll. on labour inspection, and on amendment of the act No. 82/2005 Coll. on illegal work and illegal employment, and on amendment of certain laws. (Length: 20 pages.)

<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=19247&FileName=06-z125&Rocnik=2006&#xml=http://www.zbierka.sk/zz/predpisy/default.aspx?HitFile=True&FileID=145&Flags=160&IndexFile=zz06&Text=zakon+o+inšpekcii+práce>

► Národná správa o stratégiách sociálnej ochrany a sociálnej inklúzie pre roky 2006 – 2008/ National Report on the Strategies for Social Protection and Social Inclusion 2006 – 2008. (Length: approximately 50 pages.)

<http://www.employment.gov.sk/new/index.php?SMC=1&id=10186> (in Slovak);

<http://www.employment.gov.sk/new/index.php?SMC=1&id=10195> (in English)

► Druhá a tretia periodická správa SR k Dohovoru o odstránení všetkých foriem diskriminácie žien za obdobie 1998 – 2006 (správa CEDAW)/ Second and third periodical report of the Slovak Republic on the application of the Convention on the Elimination of All Forms of Discrimination against Women for the period of 1998 – 2006 (CEDAW Report). (Length: approximately 65 pages.)

[http://www.rokovania.sk/appl/material.nsf/0/DEEFC1423E619F1CC12571FC00502A24/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/DEEFC1423E619F1CC12571FC00502A24/$FILE/Zdroj.html) (in Slovak)

► Rok vlády v sociálnej oblasti – 22. 6. 2007 (odpočet vlády)/ A year of the government in social area – 22 June 2007 (the cabinet's accountability report). (Length: approximately 14 pages.)

http://www.employment.gov.sk/new/index.php?SMC=1&mod=news&news_id=106

Secondary resources

Debrecéniová, Janka, and Zuzana Očenášová. 2005. Equal opportunities for women and men. Monitoring law and practice in Slovakia. Bratislava: Open Society Institute. (Length: 101 pages.)

http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/eowmslovakia_2005.pdf

- Perichtová, Beata, Silvia Porubánová, and Kvetoslava Repková, 2006. Rodová rovnosť z perspektívy mužov/ Gender equality in a men's view. A secondary research analysis. Project coordinated by Slovak National Centre for Human Rights in Bratislava, in cooperation and with financial support of the European Commission. Bratislava: SNSLP. (Length: approximately 42 pages.) A shortened version of outcome at http://www.snslp.sk/rs/snslp_rs.nsf/0/F232B32F2239100CC1257227006299A2?OpenDocument (SK); http://www.snslp.sk/rs/snslp_rs.nsf/0/7D71B3736307FF4FC125722700630E21?OpenDocument (EN)

SUBISSUE • Reconciliation of work and family life

Primary sources

- Konceptia štátnej rodinnej politiky v Slovenskej republike/ The Concept of the State Family Policy in the Slovak Republic, actualized in 2004 (length: approximately 40-50 pages.) <http://www.esf.gov.sk/new/esf/index.php?SMC=1&id=192>
- Návrh opatrení na zosúladenie rodinného a pracovného života na rok 2006 s výhľadom do roku 2010/ Draft on Measures furthering the Reconciliation of Work and Family Life for 2006, with perspective until 2010. (Length: approximately 22 pages.) http://www.employment.gov.sk/new/get_file.php?SMC=1&id=2185
- Hromadná pripomienka za presadenie opatrení na zosúladenie práce a rodiny do Zákonníka práce/ Public comments to the draft amendment of the Slovak Labour Code focusing on the reconciliation of work and family life. (Length: approximately 21 pages.) <http://www.changenet.sk/?section=kampane&x=256507>

Secondary resources

- Nariadenie vlády SR č. 272/2004 Z. z., ktorým sa ustanovuje zoznam prác a pracovísk, ktoré sú zakázané tehotným ženám, matkám do konca deviateho mesiaca po pôrode a dojčiacim ženám, a zoznam prác a pracovísk spojených so špecifickým rizikom pre tehotné ženy, matky do konca deviateho mesiaca po pôrode a pre dojčiace ženy a ktorým sa ustanovujú niektoré povinnosti zamestnávateľom pri zamestnávaní týchto žien/ Regulation of the Government of the SR No. 272/2004 Coll. by which the list of works and workplaces is established that are prohibited to pregnant women, to mothers until completion of the ninth month after childbirth and to breastfeeding mothers, the list of works and workplaces associated with specific risks for pregnant women, mothers until completion of the ninth month after childbirth, and for breastfeeding mothers, and by which certain obligations are prescribed for employers in employing these women. (Length: approximately 12 pages.) <http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=17908&FileName=04-z272&Rocnik=2004>

► Hanzelová, Eneke, Kostolná Zuzana, and Daniela Reichová. 2005. Atypické formy zamestnanosti na Slovensku: minulosť a súčasnosť/ Atypical employment in Slovakia: past and recent trends. In Práca a rodina. Bratislava: MSVPR (currently IVPR). (Length: approximately 12 pages.)

http://www.sspr.gov.sk/texty/File/bulletin/bulletin_3.pdf (in Slovak, and English as well)

SUBISSUE • Care work and informal work

Primary sources

► Zákon č. 244/2005 Z. z., ktorým sa mení a dopĺňa zákon č. 280/2002 Z. z. o rodičovskom príspevku/ Act No. 244/2005 Coll., amending the Act No. 280/2002 Coll. on parental allowance and on the amendment of certain acts, as later amended. (Length: approximately 8 pages.)

<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=18693&FileName=05-z244&Rocnik=2005>

SUBISSUE • Tax-benefits policies

Primary sources

► Zákon č. 461/2003 Z. z. o sociálnom poistení v znení neskorších predpisov/Act No. 461/2003 Coll. on social insurance, as amended. (Length: approximately 300 pages.)

<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=17466&FileName=03-z461&Rocnik=2003>

► Zákon č. 595/2003 Z. z. o dani z príjmov v znení neskorších predpisov, novelizovaný zákonom č. 688/2006 Z. z./Act No. 595/2003 Coll. on income tax as amended by later regulation, and by the Act No. 688/2006 Coll. of Laws. (Length: approximately 100 pages.)

<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=17602&FileName=03-z595&Rocnik=2003>

SUBISSUE • Access to the labour market

Primary sources

► Zákon č. 5/2004 Z. z. o službách zamestnanosti v znení neskorších predpisov/ Act No. 5/2004 Coll. on employment services and on amendment of certain acts, as later amended. (Length: approximately 68 pages.)

<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=17633&FileName=04-z005&Rocnik=2004>

► Národný akčný plán zamestnanosti na roky 2002 – 2003/ National Action Plan of Employment for 2002 – 2003. (Length: approximately 32 pages.)

http://www.saaic.sk/leonardo/htm_kniznica/pilotne/Narodny_akcny_plan_zamestnanosti_2002_2003.doc

► Národný akčný plán zamestnanosti na roky 2004 – 2006/ National action plan of employment 2004 – 2006. (Length: approximately 54 pages.)

<http://www.employment.gov.sk/new/index.php?SMC=1&id=626> (SK);

<http://www.employment.gov.sk/new/index.php?SMC=1&id=1183> (EN – shortened)

► Stratégia podpory rastu zamestnanosti prostredníctvom zmien sociálneho systému a trhu práce/ Strategy of supporting the growth in employment through changes to the social system and the labour market; 2003. (Length: approximately 50 pages.)

[http://www.rokovania.sk/appl/material.nsf/0/FA768708303D1850C1256D11002FBB67/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/FA768708303D1850C1256D11002FBB67/$FILE/Zdroj.html)

Secondary resources

► Prípadové štúdie: Diskriminácia v zamestnaní I., Diskriminácia v zamestnaní II., Rasová diskriminácia/ Case studies: Employment discrimination I, Employment discrimination II, Race discrimination; 2006. Bratislava: Slovak National Centre for Human Rights. (Length: 13 pages.) (Length: approximately 14 pages.)

http://www.snslp.sk/rs/snslp_rs.nsf/0/7853282DE2C78D2AC12571A0002CAAAD?OpenDocument&ID=PAR393871122004&TYPE=S&LANGUAGE=S&LENGTH=S

OTHER ISSUES •

Primary sources

► Zákon č. 43/2004 Z. z. o starobnom dôchodkovom sporení a o zmene a doplnení niektorých zákonov v znení neskorších predpisov/ Act No. 43/2004 Coll. on old-age pension saving and on the amendment of certain acts. (Length: approximately 112 pages.)

<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=17674&FileName=04-z043&Rocnik=2004>

Secondary resources

► Národný akčný plán Slovenskej republiky k Dekáde začleňovania rómskej populácie 2005 – 2015/ National action plan of the Slovak Republic to the Decade of the integration of the Roma population in 2005 – 2015. (Length: approximately 20 pages.)

http://www.government.gov.sk/orgovanova/dokumenty/akcny_plan_sk.rtf

► Stratégia konkurencieschopnosti Slovenska do roku 2010 – Národná Lisabonská stratégia/ Strategy of competitiveness of Slovakia up to 2010 – National Lisbon Strategy. (Length: approximately 28 pages.)

<http://www.finance.gov.sk/Default.aspx?CatID=3977>

INTIMATE CITIZENSHIP

Introduction

Although reproductive rights belong to the main human rights in relation to the sexual and reproductive health of people (formulated, e.g., in the Program of Action of the UN International Conference on Population and Development – Cairo 1994), the Slovak Republic does not build them into its legislative system until now. On the contrary, the state widened a space for activities against reproductive rights coming from religious circles. In particular, Catholic representatives, both from the church and politics (Christian Democratic Movement – KDĽ), not excluding some catholic NGOs, paid attention to the **(1)** existing *Abortion Act*, **(2)** *contraceptive methods together with education towards parenthood*, mainly in schools, and **(3)** *sexual rights, especially of the sexual minorities*. In this way they defined the main subissues for public and expert discourse as well.

The opposition to sexual and reproductive rights was (is) supported by the governmental structures as well as public policies of those subjects who – at the same time – co-decide(d) the image of contemporary Slovakia and who, finally and paradoxically, participated in its accession to the European Union. This situation seems to be a good starting-point for the appearance of different kinds of institutional violence (legislative proceedings, institutional behaving, precedence on the field of international treaties, political intrusiveness). In order to prevent such activities, it is necessary to adopt a clear national strategy in the field of sexual and reproductive rights and continuously take into effect relevant legislative measures. Instead of that, some NGOs and their activists functioning without any financial contribution from the state are forced to make a stand against various attacks on sexual and reproductive rights, and their voice remains inaudible on the level of governmental policies. However, some small changes could be observed after the last parliamentary election in 2006.

The process of the adoption of the over-standard **(4)** *treaties between Holy See and Slovak Republic* with its institutional, political and ideological background, as well as its factual attainment, should also be regarded in the above mentioned (political) context. The treaties as they were adopted (or in one case, just proposed) deeply impact(ed) public policy discourse and threaten(ed) the basic rights of Slovak male and female citizens, not only in the field of their sexual or reproductive health. The whole series of the alarming (disquieting) relations covered by the Intimate Citizenship issue has been developed from this, in a European context, probably quite unique subissue. Even questions about legitimacy (constitutionality) and, undoubtedly, contra-effectiveness of such activities have to (initiated by governmental bodies such as the Prime Minister, Minister of Justice, the coalition partner – Christian Democratic Movement) be taken into consideration. This sort of political cleavage and professional inconsistency contributes to the progressive polarization of Slovak society.

The next important subissue in the Intimate Citizenship area could be presented by the case of **(5)** *the forced sterilizations of Roma women in Slovakia*. It was brought to the attention in 2003 thanks to the efforts of NGOs and media. The interest from abroad was remarkable; some international organizations (e.g. the European Council) also intervened. The official

standpoint denied forced sterilization as invented and unconvincing. It aspired and still aspires to disguise the seriousness of the issue and underestimate its circumstances. However, preventive steps in the field of legislation have been taken; the strongly recommended institute of “informed consent” came into effect. The question of the forced sterilizations is still judicially open and, in media but also official statements, marked by contradictory information- as can be seen below. Without any doubt, it shows that the higher level of sensibility related to the reproductive rights of citizens and (still non-existent) reproductive policy have to be stimulated.

The EU accession process in Slovakia was characterized by the intensified effort to implement **(6) anti-discrimination legislation** according to the demands of the European structures and the recommendations of the UN as well (see more in the part Gender Equality General). The arrangement of the interests and the actual state of political power in Slovak society were also mirrored in this process. Although the process was more or less successfully finalized by the adoption of the Anti-discrimination Act in its current wording (in 2004), it has been done mainly due to systematic external pressure rather than internal, i.e. without breaking stereotypes and prejudices of the majority of Slovak society, including political representatives. On the other hand, public opinion shows people are still more supportive towards the anti-discrimination legislation; however, this is primarily on the abstract (demonstrative) level. The first experience of applying the Anti-discrimination Act was published in 2006 by the Slovak National Centre for Human Rights. Currently, the amendment of the Act is in preparation; it happens on the basis of NGO comments but especially following the remarks and demands expressed by the European legislative experts and bodies.

As can be seen, the Intimate Citizenship history in Slovakia brings to the fore the next two issues: **(7) gender stereotypes** and their elimination, and **(8) the need to give more attention to the question of education towards human rights**. This means a move towards the acceptance of the scope of sexual and reproductive rights of Slovak citizens as well.

MAIN SUBISSUES:

- **Family policy subissue/ divorce, separation, marriage** (almost absent subissues)

In 1992, the resolution of the Slovak Republic government from June 16 1992 established the *International Centre for Family Studies/ Medzinárodné stredisko pre štúdium rodiny*. From September 1993 it functioned as an organisation partially funded by the state budget under the Ministry of Labour, Social Affairs and Family of the Slovak Republic (hereinafter MPSVR). The establishment of the centre was “the expression of the Slovak Government’s interest to resolve the issue of families in the long-term perspective, in both its local and foreign context”, as it is declared on its website. In spite of the increasing scope of the studies (e.g. by the topics of labour legislation, social inclusion, etc.) and numerous re-organisation steps – resulting in the current *Institute for Labour and Family Studies/ Inštitút pre výskum práce a rodiny* – the issues of family and family policies were, from the very beginning, the core of many research studies. Their outcomes represent an indispensable body of knowledge in the field.

The other side of the coin is that the results of the studies have not been adequately reflected in practice. The measures which the various cabinets developed in the area of family policies were sparse and dubious rather than competent, comprehensive and targeted. Another issue is that the family policy in Slovakia is not unified, i.e. from the point of view of the family forms it remained unchanged and we cannot speak about 'policies' in the plural sense. Moreover, the existing policy was reduced to the economical aspect of family issues only. Partially it resulted from the difficult financial situation of Slovak families in the period of both political and economic transition, but also the submission to neoliberal reforms and (as for family characteristics) conservative and traditional character of the coalition parties' expectations.

This long-term trend is reflected in both fundamental documents: *The State Family Policy in SR/ Koncepcia štátnej rodinnej politiky v SR* (1996, updated in 2004) and *Family Act* (2005). (See below or in the Non-employment Issue).

No general public discussion was held in Slovakia about the fundamental issues of modern versus traditional family, forms of coexistence or cohabitation, and the adoption or upbringing of children. It was subsumed under more politically, medially and socially ignitable topics (abortions, registered partnerships, Roma issues, violence against women, etc.), or, it constituted their – explicit or implicit – horizon. The discourse parties filled the horizon with their own criteria, but also with political projections or demagogy. No consensual concepts of family have been presented within the political scene, nor by Slovak society as such; moreover, the well defined expert opinions were withheld from public awareness, media attention and the agenda of politicians, who were happy with their own concepts of the 'right' family. This development might strengthen the impression of the general public that repeated political (and religious, propaganda-like) viewpoints, e.g. by the representatives of Christian Democratic Movement (hereinafter KDH), represent the legitimate (universal) norm, and the other side simply tries to violate the norm in a problematic (and immoral) way. A public discussion, thanks to the activities of women NGOs, started with the process of the amendment of the Family Act in 2005. Its content was, however, limited by the pragmatics of the piece of legislation. A consistent and more targeted discussion on the family policy in Slovakia is still missing, mainly from the side of the political representation (apart from the KDH) and the government. Taking the recent cabinet constellations into consideration, it has probably been 'untouchable' territory (and will probably continue to be so due to the participation of the Slovak National Party (hereinafter SNS) in the current coalition).

● **Sexual minorities/ Registered partnership**

This issue is creeping into the public discourse in Slovakia very slowly. The current anti-discrimination legislation explicitly protects the citizens of Slovakia with minority sexual orientations against discrimination only in a narrow, limited area of labour relations. The lower degree of discrimination against homosexuals at work and in their access to employment reflects their "survival strategies" in the homophobic environment, i.e. concealing their sexual orientation for the price of preserving some personal integrity. Their legitimate requirements for equal treatment and equal rights with other citizens are still considered "above the standard".

The contemporary status quo of public policies in this field can be characterised as follows:⁹⁵

- Political representation, which would openly identify with the agenda of civil and human rights of the homosexual minority, is still missing. (A tiny positive aspect is that the term “sexual orientation” at least is becoming part of a publicly presented agenda.)
- In the public, especially in media, but also in political discourse, a confrontational tone prevails and the human and legal dimension in the approach to the issue is missing. Unambiguous condemnation of the dishonouring of homosexual minorities is missing. There is no regular space determined in the state-managed public media for positive presentation of the homosexual and bisexual community.
- Legislative protection against unequal treatment is rather limited in the case of discrimination on the ground of different sexual orientation, usually defined in an ambiguous way and almost non-utilisable in practice. For more than 3 years from the adoption of Anti-discrimination Act, no legal trial was initiated in this area that would rely on the pertinent legislation, even though the survey about discrimination carried out right before the Act was adopted showed that severe cases of discrimination due to sexual orientation and identity occur frequently.⁹⁶
- Only a few employers apply and develop internal policies or adopt collective agreements that would provide for gender equality or even equal opportunities in general. The issue of the position of LGBT minority and the ban of discrimination on the ground of sexual orientation is, more often than not, the last in line.
- Counselling services for the victims of discrimination due to sexual orientation are missing, such that would provide the service also beyond the framework of counselling concerning the legislation.
- Institutional mechanisms for regular monitoring, evaluation or adoption of corrective measures in cases of discrimination on the ground of sexual orientation or identity are missing.
- A serious issue pending is the absence of legislation for cohabitation and partnerships of gay and lesbian couples. In many areas of life, gay and lesbian couples are still disadvantaged due to the absence of a legal framework regulating their relations.

⁹⁵ To the topical characteristics of the situation of the LGBT community in Slovakia as for the legislation and civil society aspects see: Hana Fábry, 2007. Diskriminácia gejev a lesbiab – existuje? /Discrimination of gays and lesbians – does it exist? – especially the part Sú naozaj gejovia a lesbiab diskriminovaní/é? /Are gays and lesbians discriminated indeed?, <http://www.zivotnepartnerstvo.sk/view.php?cislocianku=2007010001>; or:

The recordings from the workshop Sexuálna orientácia a pohlavie verzus prístup k zamestnaniu a jeho výkon, vzdelanie /Sexual orientation and sex versus the access to employment and its performance, education, 2007.

⁹⁶ See at: Daučíková, Anna, Zora Bútorová, and Viera Vallace-Lorencová, 2003. The status of sexual minorities. In Slovakia 2003. Global Report on the State of Society. Bratislava: Inštitút verejných otázok.

The fact the political scene in Slovakia is not yet quite ready for the elimination of discrimination relating to sexual orientation can be shown by the declarations of some members of the Slovak Parliament, ministers and other political figures, present in the media; these include the pathologization of homosexuality; attempts to restrain the employment of homosexuals in schools, using defamatory language in public speeches and the like. Appeals to tolerance are rather rare.

In the spectrum of political parties, most of them speak in an explicitly discriminatory way against homosexuals (specifically and namely the Christian Democratic Movement (KDH), but also some representatives of the Slovak National Party (SNS), or they refrain from this topic, even if there is public discourse. Even the parties which label themselves as liberal or left wing are reluctant to discuss the issue. Moreover, after the 2002 elections, the left wing parties did not make it into the Parliament at all, or, to put it differently, they were forced to merge with the centrist-left party, currently called SMER-Social Democracy/ SMER-Sociálna demokracia. The only politicians of this period who pay some attention to the issue of discrimination due to sexual orientation are Monika Beňová and Dušan Čaplovič (both from the SMER-Social Democracy party).

The last development relates to a discussion about the report elaborated by the civil association Initiative Otherness/ Iniciatíva Inakosť (an NGO, advocating the interests of LGBT community – see below) on the situation of gays and lesbians in Slovakia in the Human Rights Committee of the National Council of the Slovak Republic (hereinafter NR SR) on 12 June 2007.⁹⁷ Besides the report, the Committee took account of the Resolution of the European Parliament on Homophobia, appealing to do away with the spreading negative images of homosexuality and requesting the adoption of anti-discrimination legislation. The Committee charged László Nagy (The Party of Hungarian Coalition – Strana maďarskej koalície, hereinafter SMK), the chairman of the Committee, to ask the Minister of Labour, Social Affairs and Family to submit written information on the possibility of adopting the Act on partnership of two persons of the same sex. Following a vulgar response by one of the Coalition partners in the government, Ján Slotá (SNS), issued for the record, stirred the community of experts, political life commentators, media and public opinion, as it represented an attack on human rights and dignity of citizens with different sexual orientation, in relation to offensive verbal behaviour towards a journalist.

● **Abortions subissue/ Reproductive rights**

Approximately from 2000, extensive discussion has been held in Slovakia about legalisation or restriction of abortions (it had 2 stages), induced by the efforts of some political parties and movements, churches and NGOs to amend the liberal Abortion Act. Basically there are two platforms with differing opinions (pro-life vs. pro-choice), which try to 'resolve' the issue of abortions. These movements are antagonistic: the 'pro-life' movement is based in the traditions of Christianity (specifically represented by Catholicism), with the political ground in the Christian Democratic Movement (KDH) which initiated many steps in the area of public

⁹⁷ Ľudskoprávny výbor parlamentu vzal na vedomie správu gayov a lesbiab/ The Human Rights Parliamentary Committee took account of the gay and lesbian report. Press release by NR SR, 12 June 2007. <http://www.nrsr.sk/default.aspx?sid=spravu>

policies. It is supported by the Slovak National Party (SNS) as well; also, the official representatives of Slovak – especially the Catholic – church and some Christianity-oriented NGOs are close to it. The most prominent foreign influence is that of Vatican.

The 'pro-choice' standpoint was declared, from among the political subjects, especially by the New Citizen's Alliance/ Aliancia nového občana – ANO (and before, partially, the Party of Civil Understanding/ Strana občianskeho porozumenia – SOP); from among civil society mainly women and feminist NGOs, left wing or environmentally oriented NGOs, but, most of all, the NGOs focused on 'reproduction rights' (e.g. the Slovak Family Planning Association/ Spoločnosť pre plánované rodičovstvo, established in 1991). Their arguments rely on the human rights concept (the U.N.) and the conclusions of the Beijing and Cairo conferences. The promotion of the liberalisation or restriction of the abortion legislation in media, is presented as a 'public lobbying' for or against the amendment of the currently effective Abortion Act in Slovakia.⁹⁸

Forming of public policies in this field included the utilisation of legitimate means within the governance of public agenda and political arena, especially by KDH, but also other coalition parties (raising the new draft of Abortion Act, tabling and adoption of The Declaration of the NR SR of Sovereignty of the EU Member States in cultural and ethical issues, elaboration and adoption of the proposals of intergovernmental treaties – specifically with the Vatican, several motions submitted to the Constitutional Court of the Slovak Republic, threatening the breakdown of the ruling coalition and later, KDH leaving the coalition). Also significant was the mobilisation of the liberal part of civil society: the Pro Choice/ Možnosť voľby campaign, establishment of the same named civil association of several prominent NGOs, and more engagement in media, counselling and schools. On this issue, it is necessary to mention the initiation and activities of the civil association and, at the same time, professional interdisciplinary organization (of physicians, nurses, lawyers, psychologists and teachers) called the Slovak Family Planning Association/ Spoločnosť pre plánované rodičovstvo (1991). The last – in line with the recommendations of the United Nations and World Health Organization – focused on the advocacy of fundamental human rights in the sphere of sexual and reproductive health, parenthood education courses, assistance in emergency situations, especially to groups of vulnerable women, and enhancing the quality level in the field.

According to experts, physicians and gynaecologists from the Slovak Family Planning Association, the targeted demonization of abortion performance and of the women who have undergone abortion was connected with the attacks against the professional dignity of the physicians acting according to their professional opinion and expert and liberal (informed) approach to abortions. Moreover, the demographic trends observed in Slovakia were (are) misused. A dangerous double track manner of sexual education was and is pointed to (schematically presented as religious vs. ethical education). These efforts were aggravated after the 2nd amendment to The Basic (Framework) Treaty between the Slovak Republic and the Holy See/ Základná zmluva medzi Vatikánom a Slovenskou republikou, adopted in 2004.

⁹⁸ See Bosá, Monika, and Dávid Bosý. 2004. Verejná diskusia o interrupciách/ Public discourse on abortions. Bratislava: Esfem. <http://www.esfem.sk/?action=fileDownload&idFile=48>

ACTORS

State administration

There are no such mechanisms with the range of competence in Slovakia – this issue is part of wider agenda – the gender one, but mainly the anti-discrimination one,⁹⁹ possibly (partially) it is part of the agenda related to the social, economic and political rights of citizens.

Therefore it is institutionally covered – just as the other monitored subissues – especially by the *Gender Equality Agency*, i.e. *Department of Family and Gender Policy at Ministry of Labour, Social Affairs and Family of the Slovak Republic/ Odbor rodinnej a rodovej politiky Ministerstva práce, sociálnych vecí a rodiny SR*.

The only officially established institution for monitoring of this and related affairs is the *Slovak National Centre for Human Rights/ Slovenské národné stredisko pre ľudské práva* (from 1993, after the institutional reform, from 2004, with the extended anti-discrimination agenda), and *de jure* also the *Institution of Ombudsman* (from 2002, not active so far in gender issues), and – within a very wide range – the section under the scope of competence of the Deputy Prime Minister for knowledge society, European affairs, human rights and minorities.

NGOs

NGOs still have to open and resolve many topical issues from the area of Intimate Citizenship by themselves, in a self-help manner. Their attempts to cooperate with the state executive branch, legislature or political parties are often one-sided and unfulfilled. Some of these organizations try to help their clients within the legal possibilities enabled by the anti-discrimination legislation. More frequently they transfer their activities to the field of educational, awareness-raising or training activities. Intervening in the preparatory process of new pieces of legislation through legitimate tools (i.e. the submitting of “Public comments”) became a common activity for NGOs. The early engagement of experts from the non-profit sector (and also from academies and universities) in various commissions, advisory bodies or legislation work groups still has not become common. The non-governmental sector, in partnership with some media and journalists, is the only one that tries to inform and develop the public opinion in Slovakia in the area of sexual and reproductive rights, gender identities or anti-discrimination agenda in a systematic way. The fact that individual NGOs join together in a form of an association, as well as in the organisation of common campaigns and petitions, has become a reality enforced mainly by the passivity of government structures or efforts contradicting the gender and anti-discrimination agenda of the EU.

In the area of Intimate Citizenship, the most active players have been following NGOs and professional associations: *Spoločnosť pre plánované rodičovstvo (Slovak Family Planning Association)*; *Občan a demokracia (Citizen and Democracy)*; *Iniciatíva Inakosť (Otherness Initiative)*; *EsFem*; *Feministický vzdelávací a publikačný projekt ASPEKT (Feminist educational and publishing project – ASPEKT)* and others.

⁹⁹ For more detailed characteristics and development of these mechanisms see the general gender equality chapter.

Political environment

The most pronounced but also the most contentious role in the domain of public policies was played by the *Christian Democratic Movement – KDH*; the movement which was originally established as an advocate of democratic rights and freedoms (led by the Catholic dissent circles of the previous regime) and which today, via its conservative opinions, but mainly via its activities, endangers democracy in Slovakia in its core and most sensitive constituent – the domain of human rights. After the accession of the Slovak Republic to the EU, when the pre-accession pressures and requirements of European structures ceased, KDH intensified its activities targeted against the sexual and reproductive rights of the citizens of Slovakia. Till May 2004, its activity was more concealed, in the interests of not jeopardising the governmental priorities; however, still persistent and endangering the democratic development of Slovakia. Today, both experts and NGOs openly declare that, concerning KDH, there exists (the other) effort to establish Catholicism as the only state doctrine into Slovak environment.

TIMELINE

• FAMILY POLICY/ DIVORCE, SEPARATION, MARRIAGE

► 1996 (2004): *Koncepcia štátnej rodinnej politiky v Slovenskej republike/ The Concept of the State Family Policy in the Slovak Republic*, amended in 2004

Priorities of the Concept: a/ Legal protection of families and their members; b/ Social-economic security of families; c/ Upbringing of children and youth, preparation to marriage and parenthood; d/ Protection of health of family members; e/ Demographic development.

Divorce, separation and marriage are not special topics in this Concept. (See more in Non-employment chapter.) Generally, if there is monitoring, then just in the terms of marriage rate or divorce rate in the SR.

► 2005: *Zákon o rodine a o zmene a doplnení niektorých zákonov/ The Act on family, changing and amending some Acts*. Act No. 36/2005, coming into force and effect on 11. 2. 2005, was adopted in the National Council of the Slovak Republic, thus substituting the Act from 1963.

The new Family Act (No 36/2005) also addresses several aspects of gender equality; however, some of its provisions are based on conservative positions, and compared to legislation on family affairs in most other EU member states, they are a step in the wrong direction.¹⁰⁰ The law failed to equalize all types of families; on the contrary, it privileged the matrimonial family, overemphasizing parenthood as the main purpose of matrimony. This law introduced stricter conditions for the divorce of a marriage.

¹⁰⁰ Bodnárová, Bernardína, Jarmila Filadelfiová, Daniel Gerbery, Roman Džambazovič, and Erika Kvapilová, 2006: *Premeny sociálnej politiky/ Changes of Social Policy*. Bratislava: Inštitút pre výskum práce a rodiny.

The law takes into account only the matrimonial form of cohabitation, and applies this approach also in the provisions about adopting children. The claims for maternity and parental leaves are stipulated in the pertinent provisions of the Labour Code (Act No. 311/2001 from 2. July 2001, amended extensively¹⁰¹).

NGOs presented numerous critical comments and amendments to the act; they were largely ignored.¹⁰² The act was drafted by the Ministry of Justice, led by a KDH nominee, which even disregarded comments presented by the Ministry of Labour, Social Affairs and Family and some political parties (Slobodné forum/ Free Forum, SF, or Aliancia nového občana/ New Citizen's Alliance, ANO). The final wording of the Family Act is influenced by the political interests of coalition partners. The ruling coalition included only Christian parties, with the exception of one, two of these were conservative (KDH, and Slovenská demokratická a kresťanská únia/ Slovak Democratic and Christian Union, SDKÚ). The protection of a traditional matrimonial family was one of the priorities of KDH, then a part of the ruling coalition (2002 – 2006). This agenda was the key theme in the campaign of KDH before the parliamentary election.

The Family Act is based in the effective Concept of the State Family Policy in SR/ Koncepcia štátnej rodinnej politiky v SR; the act finally demands its amendment in 2004. Apart from this, experts point out the explicit (instead of implicit), normative (instead of pluralistic), and also contradictory family policy in Slovakia. Despite some steps of Slovak government in the field of family policy (e.g. the adoption of the Action plans for women, children, etc.), a transparent new family policy enforcing the development of diversified forms of family life as well as concerning individual family members (instead of a family institution) is still missing. (See more in Non-employment chapter.)

● SAME-SEX PARTNERSHIP

I/ Antiagenda¹⁰³

Within public policies – except for a small regulation in Labour Code and some, although inconsistent, approach to the issue in the Anti-discrimination Act (see below) – no fundamental official document aiming at elimination of this discrimination has been adopted so far. On the contrary, several documents were adopted that support the opposite trend:

► **1996 (2004):** By the Resolution No. 389 from 4 June 1996, the government adopted **Koncepcia štátnej rodinnej politiky v Slovenskej republike/ The Concept of the State**

¹⁰¹ See the extent of prepared changes at <http://www.sme.sk/tema.asp?te=513>. See more about the claims for maternity and parental benefits in the Non-employment chapter.

¹⁰² The standpoint of NGO is captured in the Comments on the Family Act draft; see the website of EsFem civil association: www.esfem.sk → actuality → archív aktualít.

¹⁰³ Resources to the Antiagenda chapter are by JUDr. Eva Adámková (pseudonym). In Šípošová Marianna, Paula Jójárt, and Anna Daučíková: Správa o diskriminácii lesbických žien, gejov, bisexuálov a bisexuálok na Slovensku /Report on discrimination of lesbians, gays and bisexuals in Slovakia. Ganymedes – Q Archív. Bratislava 2002. Available also at www.ganymedes.info, or directly at <http://diskriminacia.altera.sk/vyskum/>.

Family Policy in the Slovak Republic, supporting exclusively the nuclear monogamous marriage; it does not take account any other forms of family life and contains no reference to a registered partnership or marriage of same-sex partners.

The Concept was amended by the government Resolution No. 1091 from November 16, 2004. The amended Concept, however, declares rather than elaborates the need to address different forms of families. Registered partnership or homosexual family are not mentioned as types of families.¹⁰⁴ In most governmental documents, family is a topic only for demographic and economical indicators or the changes of traditional families. (Other details are in Non-employment chapter).

► **2000:** Slovak Republic signed the **Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms**.

It is stated: 'Protocol No. 12 provides for a general prohibition of discrimination. The current non-discrimination provision of the Convention (Article 14) is of a limited kind because it only prohibits discrimination in the enjoyment of one or the other rights guaranteed by the Convention. The new Protocol removes this limitation and guarantees that no-one shall be discriminated against on any ground by any public authority.'¹⁰⁵

However, this document has not been ratified by the NR SR yet.

► **2000:** Slovak Republic signed **Základná zmluva medzi Slovenskou republikou a Svätou stolicou/ The Basic (Framework) Treaty between Slovak Republic and the Holy See**, where the Slovak Republic pledged (by Article 11) to support and protect only marriage and the family which comes from a marriage. This treaty was published in the Collection of Laws under No. 326/2001 Coll. (see below).

► **2001:** Within the newly adopted **Zákon o štátnej službe/ Act on Public Services No. 312/2001**, the ban of discrimination of job applicants on the ground of different sexual orientation is not introduced transparently, only based on 'different standing' (in line with the amended Constitution of the Slovak Republic from 2001).

► **2002:** On the instigation of one of the ruling coalition parties (Christian Democratic Movement), the NR SR approved **Deklarácia NR SR o zvrchovanosti členských štátov EÚ v kultúrno-etických otázkach/ Declaration of the National Council of the Slovak Republic about the EU Member States' Sovereignty in the cultural and ethical issues**.¹⁰⁶ In the Declaration, respect of the sovereignty of the EU member states is required in the issues of protection of family and of the institution of marriage representing the basis of a society. In the Explanatory Report, so called non-traditional views of the EU and the Council of Europe are rejected which result in the recognition of homosexual behaviour on an equal footing with heterosexual behaviour and the consequent effort to put the cohabitation

¹⁰⁴ See at <http://www.esf.gov.sk/new/esf/index.php?SMC=1&id=192>.

¹⁰⁵ From the Summary, Informačná kancelária Rady Európy/ Information Office of the Council of Europe in Bratislava: <http://conventions.coe.int/Treaty/en/Summaries/Html/177.htm>.

¹⁰⁶ Full title is: Declaration of the NR SR about the sovereignty of the EU member states and the states -candidates for the EU accession in the cultural and ethic issues. Approved by the National Council of the Slovak Republic via the Declaration No. 1853 from 30 January 2002.

of two persons of the same sex to the same level as cohabitation of a man and a woman. The Explanatory Report refuses to recognise homosexuals as a minority which needs protection and states the opinion that homosexuality can be treated. The recommendation of the Parliamentary Assembly of the Council of Europe No. 1474 from 2001 (i.e. about a solution of registered partnership of the people of the same sex in the legislature of the member states of the Council of Europe) is labelled in the Explanatory Report as not substantial in relation to the ambitions of integration of Slovakia to the EU. As for Article 13, part 1 (Principles), of the Amsterdam Treaty, the Declaration underlines that the wording of this Article results in no obligations for the member states to amend their legislation in the issues related to different sexual orientation.¹⁰⁷

► **2004:** A provision was introduced into the **Školský zákon/ School Act No. 29/1984 Coll. on the system of elementary and secondary schools**, according to which 'it is not permitted to influence sexual orientation, which is contradicting human dignity and traditional values of European culture, and instigation to xenophobia' in schools. The substantiation of this regulation is based in the need to protect students against possible harmful influence of teachers. The quoted wording of the provision is apparently discriminatory. As a paradox, it was introduced to the School Act via the Anti-discrimination Act which amended the School Act, in the form of a change to the amended part when the change was introduced during the Parliament session. It does not disadvantage the concerned persons directly, but it discriminates on the basis of assessment.

(The next amendment removed the incriminated provision from the Act. The factual and necessary education and school reform, expressed also in a new, more topical and elaborated School Act, is being postponed for 17 years.)

► **2004:** No prohibition of discrimination on the ground of sexual orientation (by listing of specific cases) is introduced into newly adopted **Anti-discrimination Act**, with just one exception in the area of labour relations.

II/ A g e n d a

► **1997 / 1998: Návrh zákona o registrovanom partnerstve homosexuálnych dvojíc/ Draft of the Act on a Registered Partnership of the Homosexual Couples;** it was elaborated by a lawyer who is a member of the gay and lesbian community in Slovakia, under the pseudonym Eva Adamková. This initiative was taken over by Ganymedes NGO. The draft was published in *Aspekt*, a feminist journal which does not have very wide social influence in Slovakia. In this way the initiative was enclosed within the intellectual circle of (especially female) readers of *Aspekt*. *Aspekt* published also some rare, but more distinctive, reactions of politicians to the published draft, which was partially inspired by a similar Czech law, oriented at fundamental rights of members of the sexual minorities in Slovakia. The NGO did lobby in the NR SR mainly through Milan Ištván, a left-wing member

¹⁰⁷ See also: (stenographic) recordings from 54th session of the NR SR (1998 – 2002), which took place on 30 January 2002, or

Weiss, Peter, 2002. Prejav izolacionizmu a xenofóbie. Nový nástup konzervatívneho fundamentalizmu na Slovensku/ Manifestation of izolacionism and xenofobia. New onset of conservative fundamentalism in Slovakia).

of Parliament. Written copies of the records of discussions about registered partnerships in Parliament were published in the community magazine of gays and lesbians in Slovakia, *Atribút*; this monthly existed for 4 years.

► **2000:** As an informal platform of several NGOs, **Iniciatíva Inakosť/ Initiative Otherness** is established, with its charter and several spokespersons (as a successful mix of different voices). Its main objective was to pursue the adoption of an act on registered partnership of same-sex couples according to the proposal from 1997/1998. At the time the issue of sexual minorities' rights became a matter of the whole society; the media begin to pay it attention – a breakthrough in this issue in Slovakia. Four NGOs representing gay and lesbian minorities (MUSEION, Hnutie Ganymedes / Ganymedes movement, HABIO and ALTERA) initiated the draft of the **Zákon o registrovanom partnerstve osôb rovnakého pohlavia/ Act on the Same-sex Partnership**.¹⁰⁸ The elaborated draft was delivered to all the chairmen of parliamentary committees, Ministers of Justice, Interior, Labour, Social Affairs and Family, Prime Minister, Deputy Prime Ministers and the President of the Slovak Republic. According to the NGOs, the constitutionality of the draft is based in Article 1 of the Constitution, pursuant to which the Slovak Republic is a democratic state respecting law, and also in Article 12 Section 1, pursuant to which people are free and equal in their dignity and rights, while fundamental rights and freedoms are indispensable and inviolable. The activists pointed out that as an accession country it is inevitable that Slovakia harmonise its legislation with international (EU) standards.

A spokesperson of *Iniciatíva Inakosť* and one of the initiators of the draft responded to the existing counter proposals from KDH, which tried to subsume the situation of same-sex couples under existing sections (hereinafter »§«) of Civil Code, specifically §51 on Miscellaneous Agreements, §115 Common Household, and §116 Close Persons, while highlighting the counter draft's legal gaps and inadequateness.¹⁰⁹

The draft of the Act was not included in the NR SR session agenda.

► **2001:** Within the amendment of Labour Code, a special Code for state service employees was adopted, **Zákon o štátnej službe/ Law on State Service (Act No. 312/2001)**. For the first time, an anti-discrimination clause appeared in legislation, concerning the job applicants of the same sex orientation, even though only in a form of preventing discrimination on the ground of 'different standing' (according to the amended SR Constitution from 2001).

► **2001/2002:** The third attempt of NGOs to bring attention to the untreated issue of the institute of registered partnership.¹¹⁰ *Iniciatíva Inakosť* cooperated with some members of the NR SR in preparation of this Act. Milan Ištván (*Strana demokratickej ľavice/ The Party of Democratic Left – hereinafter SDL'*) together with seven members of the NR SR from different

¹⁰⁸ Detailed circumstances of draft submission see at <http://www.ganymedes.info/rp/rok2000.htm>. Full text of the draft see at http://www.ganymedes.info/rp/navrh_zakona.htm.

¹⁰⁹ See Anna Daučíková, 2000. *Inštitút registrovaného partnerstva* (The institute of registered partnership); resources from press conference of IN-IN on 20 September 2000. <http://www.ganymedes.info/rp/partnership.htm>

¹¹⁰ Detailed circumstances see at <http://www.ganymedes.info/rp/rok2002.html>.

parties submitted the draft of the Same-Sex Partnership Act in October 2001 to the NR SR. The draft required putting homosexual partnership on an equal ground with heterosexual marriage in all matters with the exception of children's adoption, artificial fertilisation and church wedding. After the draft was posted (for public discussion and comments), it was, together with extensive the *Explanatory Report*, under the title **The draft of an Act by a group of members of the NR SR for adoption of the partnership of two persons of the same sex, and on amendments of other laws** (Partnership Act), submitted to the Parliament in October 2001.¹¹¹

After the Act's draft was discussed on January 31, 2002,¹¹² the voting on next day decided it will be refused and therefore not proceed to the 2nd reading. The fact the Act was not adopted is due to the unfavorable local political environment, i.e. conservative composition of the NR SR, insufficient knowledge and awareness of the issue, and deeply rooted stereotypes and prejudice in Slovak society.

► **2002:** A rather explosive campaign of activists (**Povedzme to nahlas! / Let Us Say It Loudly!**) organised by NGOs from the area of sexual and reproduction rights, and NGOs defending the interests of sexual minorities in Slovakia, on the occasion of the visit of John Paul II in Slovakia. The aim of the campaign was to say NO to the clericalization of Slovakia aloud. The campaign included sending letters to the representatives of the Slovakia Bishops' Conference, as well as the highest representatives of Slovakia pursuant to the Constitution.¹¹³ The campaign also stressed the absence of an anti-discrimination law in Slovakia. Its representatives issued a short announcement to the draft of the Treaty Establishing a Constitution for Europe, in which the expressed references to Christian values in Europe in the preamble of the document were criticised. The efforts to point to the status quo of policies in the area and to unacceptable clericalization of Slovakia in political and public stratum, however, had a counter-productive outcome. Not only the above mentioned group of NGOs temporarily lost the touch with other NGOs but, the conflicting encounter between the representatives of the initiative and believers in Slovakia, who came to pay tribute to the Pope John Paul II after his plane landed in Slovakia, aggravated the counter-productivity even more.

► **2004:** The adoption of the **Anti-discrimination Act**, which does not provide for sexual minorities' members protection (via explicit listing), except in the area of labour relations. However, in combination with the Constitution of the SR, the protection of fundamental human rights of the citizens with different than heterosexual orientation can be achieved.

The grounds for discrimination, for which discrimination is banned in Slovak legal order, are extended – (also above the framework of discrimination directives) – in separate laws aimed at various areas of social relations. The laws were amended by the Anti-discrimination Act. However, there is no provision in these laws which would explicitly regulate the ban of

¹¹¹ The wording of the Act's draft formatted in sections see at <http://www.ganymedes.info/rp/partnerstvo2.htm>.

¹¹² See the transcript of the MPs' debate on the partnership of gays and lesbians. <http://www.ganymedes.info/rp/partnerstvo4.htm>

¹¹³ The texts of letters and the character of public objections see at <http://inin.ganymedes.info/list.html>.

discrimination with regard to sexual orientation.¹¹⁴ In spite of that, it is possible that cases of potential discrimination on the ground of sexual orientation requires the application of the equal treatment principle based on 'different standing' of a person, listed among the reasons for the ban of discrimination.¹¹⁵

The problem of sexual harassment (direct discrimination), which is one of the most frequent violations of the Anti-discrimination Act, is so far reflected and discussed outside of the LGBT dimension (presence in absence).

► **2006, 16 of January:** A year long campaign by Iniciatíva Inakosť civil association for the adoption of Same Sex Couples' Partnership Act started. A campaign **Kto je kto?/ Who is Who?** is the project of the Prvé lesbické združenie Museion/ First Lesbian Association – Museion.¹¹⁶ The collection of signatures continues up till now. After the 2006 elections, the conditions for anti-discrimination agenda and legislation are a bit more favourable than in the previous election period marked by the absence of the original left-wing parties in the NR SR, or their fusion with SMER party.

► **2006:** After the elections in 2006 the government was changed and on 31 of July 2006 the new cabinet approved **Programové vyhlásenie vlády Slovenskej Republiky/ The Manifesto of the Government of the Slovak Republic**, in which, for the first time ever, explicit reference to gender equality is made (in the part 3.5.: Podpora rodovej rovnosti/ Support of Gender Equality), and there are non-heterosexual minorities explicitly mentioned.¹¹⁷

► **2007, 21 of February:** Within the conference **Spoločne v ústrety rozmanitosti/ Together towards diversity** organised by Slovenské národné stredisko pre ľudské práva /Slovak National Centre for Human Rights under the guarantee of Dušan Čaplovič, Deputy Prime Minister of the Slovak Republic for knowledge society, European affairs, human rights and minorities (on the occasion of opening the European Year of Equal Opportunities for Everyone – 2007), (an official) **workshop on sexual orientation and sex discrimination in employment** was organised too. It dealt with the topic of discrimination on the ground of

¹¹⁴ For example the Act No. 131/2002 Coll. about high schools and universities as amended later, or the Act No. 29/1984 about the system of elementary and secondary schools (School Act) as amended later.

¹¹⁵ Stated according to the Report on the Observance of Human Rights in the Slovak Republic in 2004. Slovenské národné stredisko pre ľudské práva/ Slovak National Centre for Human Rights, pp. 18-19.

http://www.snspl.sk/rs/snspl_rs.nsf/0/F048C56CB73E748BC1256FC600380C2F?OpenDocument

¹¹⁶ See the text of the petition at <http://www.ganymedes.info/peticia.html>.

¹¹⁷ From The Manifesto of the Government of the Slovak Republic, adopted by the decision of the government from 31 July 2006: »The Government when pursuing its policy shall support equality of men and women as an important factor in the development of democracy and the exercising of human rights, so as to fulfill obligations following from the Lisbon Strategy, as well as from international treaties.

The Government shall therefore secure regular monitoring of equal opportunities for men and women, and it will also create institutional structures for assertion of such issues in all policies and decisions that are being adopted within the framework of decision-making processes. This will take place at all levels of the governance of the society.« <http://www-8.vlada.gov.sk/index.php?ID=1686> (in Slovak); <http://www-8.vlada.gov.sk/index.php?ID=1771> (in English)

sexual orientation, and was led by an expert for gender and queer studies. The participants approved a collective proposal of basic measures for the improvement of the current status quo, especially in the public agenda sphere. They asked for: (1) amendment of Anti-discrimination Act regarding the rights of non-heterosexual minorities; (2) to include the non-governmental sector into the process of amending; (3) to introduce anti-discrimination education in all the range of schools; (4) to create a space for active participation of NGOs in the work of Národná komisia pre výchovu k ľudským právam/ National Committee for Education towards Human Rights; (5) to enable a positive presentation of LGBT community in state-managed public media; (6) to adopt legislative measures, in relation to the adoption of a Registered Partnership Act as well; (7) to build pertinent institutional mechanisms and provide for regular monitoring of discrimination treatment on the ground of sexual orientation.¹¹⁸

► **2007:** Civil association Iniciatíva Inakosť/ Initiative Otherness, established anew (in a second generation) launched a LGBT project **Sme tu – dni inakosti/ Here we are – the days of the otherness**. In this Year of Equal Opportunities for Everyone, a project oriented to the issue of sexual minorities was supported for the first time ever.

On 19 of April 2007, within the framework of this project, a seminar **Inakosť a diskriminácia/ Otherness in the terms of discrimination** was held. It was carried out under the guarantee of Dušan Čaplovič, Deputy Prime Minister; the seminar was the first ever seminar about (discrimination of) sexual minorities at the official level.

● **ABORTIONS, SEXUAL & REPRODUCTIVE RIGHTS, AND SO CALLED VATICAN TREATY**

► **1990:** The establishment of **Kresťanskodemokratické hnutie/ Christian Democratic Movement (KDH)**, from the very beginning attacking the liberal approach to abortions in the legislative regulation in effect from 1986.¹¹⁹

► **1993: Categorization of drugs.** The Ministry of Health (Minister Alojz Rakús, KDH member) cancelled the reimbursement of hormonal contraceptives by health insurance companies within the scheme of re-qualification of drugs.

► **1998: Slovenská demokratická koalícia/ Slovak Democratic Coalition (SDK)**, the party charged with setting up a coalition, created the coalition of right-centrist parties together with KDH, which resulted in a significant impact on legislative treatment and observance of human rights in Slovakia in subsequent years.

¹¹⁸ The proposal of measures is a collective work of the workshop participants. Published on 13 March 2007.

¹¹⁹ Current Acts regulating abortion in the SR:

* Act No. 73/1986 Coll. On abortions as amended later.

* Decree of the Ministry of Health of the SR No. 74/1986 Coll., which executes the No. 73/1986 Coll.

* Act No. 140/1961 Coll. Penal Act as amended later (§ 227 to 229).

* Act No. 141/1961 Coll. Penal Code as amended later.

* Act No. 277/1994 Coll. about health care as amended later.

* Act No. 576/2004 Coll. about health care, services related to providing health care and about amendments to some laws.

► **2000:** Before the announced amendment of the Constitution, **Základná zmluva medzi Slovenskou republikou a Svätou stolicou/ The Basic (Framework) Treaty between Slovak Republic and the Holy See** (a kind of ‘concordat’) was signed and ratified.¹²⁰ In this there is already the possibility built in to apply ‘conscience objection’, which should be – referring to the wording of the Treaty – elaborated further in four supplements to the Treaty. While the Treaty, as an international legal act, had no precedence over national legislation, its prepared supplements – according to a mentioned amendment of the Constitution of the SR and in line with international law – will have precedence over the national legislation of the SR.¹²¹

► **2001, February:** So far the most significant and extensive **amendment of the Constitution of the SR** (Act No. 460/1992 Coll.) by the Constitutional Act No. 90/2001 Coll. from 23 of February 2001, was realized. One of the reasons of its adoption was the fact that Slovak Republic, at the time, tried to access the European Union.

By this amendment, international treaties on human rights and fundamental freedoms, international treaties for the exercise of which no other law is necessary, and international treaties which directly confer rights or impose duties on natural persons or legal persons and which were ratified by the Slovak Republic and promulgated as prescribed by the law, take precedence over national laws.¹²² This Part 1 of the First Chapter, Article 7, Point 5 about international treaties later became problematic in relation to the supplements to the Basic (Framework) Treaty between Slovak Republic and the Holy See, approved after the Constitution was amended in 2001. The same relates to the prepared controversial supplement of the Vatican Treaty about the right to exercise the objection of conscience (see below).

The Christian Democratic Movement (KDH) already in 2000 threatened that it will leave the ruling coalition if KDH’s requests related to an amendment of the SR Constitution would not be accepted. The representatives of KDH tried to amend the wording of the text of the Constitution concerning the protection of life ‘even prior to birth’ to ‘since the conception’. Their proposal was not successful; the new wording was not accepted in the amended text. Apart from that, they filed a complaint to the Constitutional Court, in which the compliance of the Abortion Act with the (although unchanged!) provision of the Constitution was doubted.¹²³

¹²⁰ The Basic (Framework) Treaty between Slovak Republic and the Holy See, signed on 24. 11. 2000 in Vatican, coming to force from 18. 12. 2000, published in the Coll. of Laws of the SR under the number 326/2001.

¹²¹ See: Vatican Treaty (May 2000 – January 2001); the large bibliography of the articles with the topic. www.nrsr.sk/sub/sk/nrsr/kancelaria/parlamentna_kniznica/resersne/vat_zmluva_1_01.doc

¹²² Article 7, paragraph 5 of the Constitution that entered into effect on 1 July 2001, in the wording of the latest amendment in February 2001 – Constitutional Statute No. 90/2001 Coll. Until then, the precedence of international human rights instruments over the national law was guaranteed only if the international law provided for "broader fundamental rights and freedoms" than the relevant national law.

¹²³ Further in the text we draw from the Report on human rights observance in Slovak Republic for 2004. Slovak national centre for human rights, pp. 18-19.
http://www.snspl.sk/rs/snspl_rs.nsf/0/F048C56CB73E748BC1256FC600380C2F?OpenDocument

In debates of experts and discussions in general public, opinions were heard that the Constitution does not regulate the protection of human life from the moment of conception, even though this provision takes into consideration the protection of human life already (just) before birth. The proponents of this standpoint argue that if the legislator's interest was to protect life from the moment of its conception, they would have explicitly stated so in the text of the Constitutional Act.¹²⁴

Legality, or constitutionality of abortion, is the subject of a pending proceeding at the Constitutional Court No. PL. ÚS 12/01, which shall decide about the constitutionality of the Abortion Act No. 73/1986 Coll. as amended by later regulations.

► **2001, May: Motions filed to the Constitutional Court of the Slovak Republic** (by the representatives of KDH):

1/ The Constitutional Court in 2001 accepted for further proceeding **the proposal of a group of MPs questioning the constitutionality of the Abortion Act No. 73/1986 Coll. of Law** as amended by later regulations. The plea is based on the above mentioned constitutional formulation on 'right to a life' (Chapter 2, Part 2, Article 15, Point 1): 'Everyone has the right to life. Human life is worthy of protection even prior to birth'.

2/ The Constitutional Court accepted **the motion filed on the contradiction between the effective Decree of the Ministry of Health** of the Slovak Socialist Republic No. 74/1986 Coll., which executes the Act No. 73/1986 Coll. and which explicitly stipulates the possibility of abortion, in substantiated cases, up to 24th week of pregnancy, *and the Abortion Act itself*, which does not specify any substantiated cases, just stipulates in general that abortion is possible before 12th week of pregnancy.

The Constitutional Court ruled no decision so far in either of the filed motions. An understaffed bench of the Constitutional Court judges is offered as a reason for nonexistence of the decisions. Due to shortcomings in the procedure, the current legal status quo is effective in Slovakia – i.e. women have a legitimate right to undergo abortion.

► **2001:** As a reaction to the status quo, media published a **call of "Iniciatíva za možnosť voľby"/ Initiative for Pro-choice**, resulting in an extensive petition; and also in **the establishment of the civil association called Možnosť voľby/ Pro Choice**. The association became a forum especially for woman NGOs and coordinated their joint actions preventing attacks against the reproductive rights of women.

These attacks, however, still continue, in spite of the fact that Slovakia can currently boast the second lowest rate of abortions in Europe (after the Netherlands, and Belgium with the same rate).¹²⁵

¹²⁴ Drgonec, J.: Základné práva a slobody podľa Ústavy Slovenskej republiky/ Fundamental rights and freedoms according to the Constitution of the Slovak Republic), MANZ Bratislava 1997, p. 116.

¹²⁵ Current development in Slovakia proves that the liberal Abortion Act has no direct influence on ('irresponsible') reproductive behaviour of women and does not necessarily lead to increase in the abortion rate. According to statistics, in each 1000 women in fertile age there are less than 13 abortions and the decreasing trend continues. From 1988 to 2006 the number of abortions decreased

► **2002:** After the election, Aliancia nového občana (Alliance of New Citizen – hereinafter ANO) became a member of the ruling coalition. This left-centrist party presented **the proposal to transport the content of the Abortion Decree** (see above) **directly into the text of the Abortion Act**, and thus prevent the proceeding on contradiction at the Constitutional Court.

► **2003:** NR SR approved **the draft of extended Abortion Act**, but Rudolf Šuster, President of the SR, did not sign the Act. The draft was returned to the Parliament, but this time it was not approved, as in this case a higher quorum – two third of votes – would have been needed for the adoption.

► **2003:** Several NGOs initiated **the petition defending the right of women to abortion** and against the targeted efforts of the politicians from the ruling coalition to restrain the access of women to contraception, abortion, and limit their reproductive rights. In spite of the fact that the petition collected 120.000 signatures, and it was delivered to Pavol Hrušovský (the chairman of Parliament and member of KDH), its content – in contradiction with regulations – never did become a subject of a parliamentary debate.

► **2004, spring:** the NGO and at the same time a professional association called Spoločnosť pre plánované rodičovstvo/ Slovak Family Planning Association (pro-choice) elaborated, in line with WHO requirements, **Národný program ochrany reprodukčného zdravia v Slovenskej republike/ National Programme for protection of reproductive health in the Slovak Republic (for 2004 – 2010)**, which was submitted for comments to different ministries and sectors.¹²⁶ Due to the counter-action of Bishops' Conference, the draft was discussed at the Ethics Commission of Ministry of Health in SR, in which the representatives of churches are represented, but not the representatives of NGOs. The draft was rejected and the Catholic-oriented counter-organisation Spoločnosť pre rodinu a zodpovedné rodičovstvo/ The Slovak Society for Family and Responsible Parenthood (pro-life) was charged with the task of elaborating an alternative proposal of the strategy. The task has not yet been fulfilled and the issue of elaborating and discussing the strategy is postponed to 31 December 2007.

► **2004:** The Parliament **approved two supplements to the so called Vatican Treaty**, while the second one¹²⁷ shall be considered to be controversial. It introduces the catechism

by 76 %. In the same period the utilization of contraceptives – which people have to pay for today – increased from 2 to 20 %.

See in: Kliment, Michal, and Vladimír Cupaník. 2007. Aktuálne problémy sexuálneho a reprodukčného zdravia na Slovensku /Topical problems of sexual and reproduction health in Slovakia. Spoločnosť pre plánované rodičovstvo / Slovak Family Planning Association, panel presentation at the conference Aktuálne otázky sexuálneho a reprodukčného zdravia /Topical issues in sexual and reproduction health, held on 20 April 2007 in Bratislava. <http://www.rodicovstvo.sk/>

¹²⁶ Full text of the draft see at <http://www.rodicovstvo.sk/nporz.htm>.

¹²⁷ Zmluva medzi Slovenskou republikou a Svätou stolicou o katolíckej výchove a vzdelávaní/ The Treaty between the Slovak republic and Holy See on Catholic upbringing and education, signed in Bratislava on 13. 5. 2004, in force from 9. 7. 2004, published in the Coll. of the SR under the No. 394/2004.

Unlike the 'political' Basic Treaty with Vatican, this supplementary treaty is marked as 'priority' at the website of the Ministry of Health of the SR. NR SR decided that this is an international treaty according

to schools as one of the set of voluntary subjects the students are obliged to choose from, with no possibility of a direct or additional intervention by the state. Mikuláš Dzurinda, Prime Minister (a member of Slovenská demokratická a kresťanská únia/ Slovak Democratic and Christian Union – hereinafter SDKÚ) charged Daniel Lipšic, the Minister of Justice of the SR (a member of KDH) to elaborate another supplement. He elaborated it and on 5 of November 2004 submitted to the government for approval the third supplement to the Basic Vatican Treaty – **Návrh zmluvy medzi Slovenskou Republikou a Svätou stolicou o výhrade svedomia/ The Draft Treaty on the Exercise of Objection of Conscience between Slovakia and the Holy See.**

Pursuant to Article 3 of the Draft Treaty,

for the purposes of this Treaty, “teaching of faith and morals” means the body of teaching of the Catholic Church. For the purposes of this Treaty, “objection of conscience” means an objection, raised on the basis of the principle of free conscience according to which anyone may refuse to act in a way, which he in his conscience finds impermissible by the teaching of faith and morals. “To act” includes participation at acting, and any action, related to such acting, including assistance.

According to the Article 4 of the Draft Treaty,

the right to exercise the objection of conscience applies especially to the following areas and activities: [...] health-care activity, especially as regards abortion, artificial or assisted fertilization, experiments with, and disposal of, human organs, human embryos and human sex cells, euthanasia, cloning, sterilization and contraception, [...] provision of legal services, employment and other related labour relations, as well as other relations the content of which applies to the subject matter of this Treaty, and so on – wording without any other closer determination.

According to the Article 6,

Action on the basis of objection of conscience pursuant to this Treaty prevents anyone exercising this right from becoming liable for such action, and The Holy See shall through its competent authority provide an interpretation of the teaching of faith and morals of the Catholic Church, if requested.¹²⁸

► **2004 – 2005:** This suggestion induced vehement and declining response of a considerable number of citizens as well as *coordinated action* of several NGO, including among others **Možnosť voľby/ Pro Choice civil association, and Spoločnosť pre plánované rodičovstvo/ Slovak Family Planning Association.** Experts point out that the right to exercise the objection of conscience shall remain the right of individual people, not institutions, for example, as in a health care facility in the case of abortions (even abortions indicated for genetic reasons), since it decreases the level and accessibility of reproduction

to the Article 7 Section 5 of (amended) Constitution of the Slovak Republic, and as such it has a precedence to the laws of the SR (and it is unrecallable). <http://www.culture.gov.sk/cirkev-nabozenske-spolocnosti/legislatva/zkony/zmluva-medzi-slovenskou-republikou-o-vzdelavani>

¹²⁸ Full text wording see at <http://www.moznostvolby.sk/> → Návrh ZMLUVY... (in Slovak), or http://www.moznostvolby.sk/index_engl.htm → Treaty between ... (in English).

health services for the population. In relation to the so called Vatican Treaty and its supplements, the experts try to bring attention to the existing danger of jeopardising the legislative framework in Slovakia (Abortion Act), the violation of the independence of churches from the state in relation to education about sexual and reproduction rights, the absence of state educational doctrine, and, referring to the activities of KDH at the Constitutional Court of the SR, endangering further development of prenatal genetic diagnostics. They declare there are the efforts of certain circles in Slovakia to change the character of civil state to a state with a religious doctrine.¹²⁹ These critical opinions were presented at several public forums.

The proposal of the 3rd supplement of the Vatican Treaty was critically examined by several independent intellectuals,¹³⁰ politicians, but also by the Aliancia nového občana/ New Citizen's Alliance (ANO) opposition party. In October 2005, the party launched a petition against the adoption of the supplement. The party decided for this action because of specific activities in several Roman Catholic churches and the action by Fórum života/ Life Forum association, related to the requirement of urgent signing of the treaty on the objection of the conscience.¹³¹

The dispute concerning the Draft Treaty on the Exercise of Objection of Conscience between Slovakia and the Holy See was, due to the efforts of NGOs, transferred to international ground. Based on **the letter to Members of European Parliament**,¹³² specifically about the incompatibility of the supplement with basic principles of European law and danger of this precedent for the international community, **the European Commission** asked for elaboration of (another) legal analysis of the treaty draft by its own experts. The undersigned members of European Parliament, on the basis of the legal analysis of the text of the treaty on exercising the objection of conscience, recommended to Mikuláš Dzurinda, then Prime Minister of the SR, in an open letter to reconsider the adoption of the treaty. The letter became a hub of media fire between government representatives of power-holding ministerial posts (KDH), the standpoints of which attacked the feminist NGOs, and the representatives of women NGOs, amongst other subjects as well.

► **2006, 1 February:** The Prime Minister of the SR **officially rejected the draft of the treaty** in the current wording at a press conference, before it could proceed to the Parliament

¹²⁹ See in Kliment, Michal, and Vladimír Cupaník. 2007. <http://www.rodicovstvo.sk/>

¹³⁰ See e. g. The interview with Katarína Zavacká, law historian, who explicitly says that in the current situation Slovakia »either will be in the position of the country which violates the Vatican treaty, or the country which violates the obligations towards the EU«. Šelestiaková, Katarína, 2006. Zdesená; interview s Katarínou Zavackou (Terrified; an interview with Katarína Zavacká). Plus 7 dní, No. 09/06.

¹³¹ Petition action »Za moderné Slovensko«/ For modern Slovakia. See at <http://www.ano-aliancia.sk/?view=article&id=1359>.

¹³² "Slovakia is about to sign a Treaty on the Right to Exercise the Objection of Conscience with the Holy See. The draft of this treaty has been presented by the Ministry of Justice and will be submitted for approval to the Slovak Government and then for ratification to the Slovak National Council. If approved, the treaty will gain the status of an 'international human rights treaty' and will take precedence over current Slovak law." (From the letter of NGOs' Association Pro Choice Slovakia to Members of Committee of Women Rights and Gender Equality, European Parliament, Brussels.)

reading. It happened also due to the pressure of opinions from abroad and a strong resistance of local NGOs.

6 February – at the Ministry of Foreign Affairs of the SR a **discussion about exercising the objection of conscience** took place, summoned by the representatives of the Protestant Church after agreement with Eduard Kukan, Minister of Foreign Affairs (who resisted the treaty being signed, the member of SDKÚ). The representatives of NGOs then developed more concentrated pressure to the government and individual members of the ruling coalition against the adoption of the treaty.

7 February 2006 – as a manifestation of their protest, **KDH left the ruling coalition**, and this led to premature election in Slovakia.¹³³

► **2007, June** (a year after the elections in July 2006 brought changes in government posts) – **current status quo**: The proposal of the treaty is ‘put on ice’, possibly also due to an unofficial agreement not to open this issue with the Bishops’ Conference in Slovakia. According to the media information, as an exchange for this, the government will not open the issue of funding the churches and separation of church and state, or the issue of legalisation of registered partnership of same-sex couples (!). The issues are under the scope of competences of the section of Dušan Čaplovič, Deputy Prime Minister for knowledge society, European affairs, human rights and minorities (the member of SMER – Social Democracy party).¹³⁴

OTHER ISSUES

• THE (ALLEGED) FORCED STERILISATIONS OF ROMA WOMEN

► **2003**: NGOs Centre for Reproduction Rights/ Centrum pre reprodukčné práva and Advisory body for Civil and Human Rights/ Poradňa pre občianske a ľudské práva issued the report **Body and Soul/ Telo i duša. Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia**, where they published results of their research in connection with alleged illegal sterilizations of the Roma women performed by physicians in some health care facilities in Slovakia. Presenting their opinion of the justness of such allegations they draw attention to local and international contexts of such practices in connection with human rights protection in the area of reproductive health and respecting women’s physical integrity.

The **Committee for Social Affairs, Health and Family of the Parliamentary Assembly of the Council of Europe** dealt with allegations presented in the report. In her standpoint, **Ms.**

¹³³ See more in Stupňan, Igor: Minister Kukan sa vzoprel KDH/ Minister Kukan defies KDH). Sme, 27 January 2006. <http://www.sme.sk/c/2564019/Minister-Kukan-sa-vzoprel-KDH.html>, or

Spor o výhradu svedomia vyústil do vládnej krízy/ The dispute on the objection of conscience resulted in governmental crisis. In Vládna kríza/ Governmental crisis, Radio Slovakia International website, 7 February 2006. <http://www.slovakradio.sk/inetportal/rsi/core.php?page=showSprava&id=1024&lang=1>.

¹³⁴ More detailed information on latest development of this issue see in Čaplovič, Dušan, 2007. Zmluva nie je aktuálna; rozhovor s podpredsedom vlády SR/ The treaty is not topical; a debate with the deputy prime minister of the SR).

Christine McCafferty, rapporteur who visited Slovakia, addresses several recommendations directly to the Slovak government. The standpoint reads, inter alia, as follows:

Investigators should address the issue whether a full and informed consent was given in this case at the general investigation of circumstances, under which such consent was provided. In December 1999 Slovakia ratified the Council of Europe Convention on Human Rights and Biomedicine comprising also the definition of full and informed consent (Chapter II, Article 5).¹³⁵

► **2005: Country Reports on Human Rights Practices – Slovakia 2005** (Bureau of Democracy, Human Rights, and Labour of the U.S. Department of State):

Unlike in previous years, there were no reports of coerced or forced sterilization of Roma women. During the year the provisions of a 2004 law went into effect, requiring that sterilizations be performed only at the request of the patient and only after 30 days had passed since the initial request. The law was prompted by NGO charges in previous years that doctors performed coerced or forced sterilization on Roma women. [...]

No victims of sterilization received financial redress, although the government acknowledged in a 2003 report that the procedures had taken place. In September the general prosecutor's office announced that no criminal charges would be filed. [Several] NGO/s appealed the case to the European Court of Human Rights in 2004, but the case was pending at year's end. [...]

In August 2004 eight of the Roma women involved in the sterilization cases filed a case with the European Court of Human Rights when Slovak hospitals allegedly denied them access to their own medical records. The court gave priority to the case, which was ongoing at year's end.¹³⁶

► **2006, December: The Constitutional Court decided to renew investigation in regard of alleged forced sterilization of Romani women.** Even though the basic courts dismissed the filings of Roma complainants, the Constitutional Court of the SR, as the last resort observed procedural defects in the case investigation and initiated its further examination.

The filing with European Court of Human Rights in Strasbourg is pending.

► **2007: CEDAW Report for the period of 1998 – 2006** states on this account:

In connection with the information, two parallel investigations were conducted in Slovakia (the criminal proceedings which took place under the supervision of the General Prosecutor's Office of the SR, and the National Council of the SR Committee for Human Rights, Nationalities and the Status of Women and the Health Inspection). Extraordinary specialist health inspections were conducted in 67 departments of gynecology and obstetrics in Slovakia. Both investigations have failed to establish the suspicions referred to in the report Body and Soul and they have not been proved either in the other

¹³⁵ Ms. Christine McCafferty's standpoint to the reproduction rights and alleged sterilizations of Romani women in the Slovak Republic, Bratislava, 13 May 2003.

¹³⁶ Country Reports on Human Rights Practices – Slovakia 2005. <http://www.state.gov/g/drl/rls/hrrpt/2005/61674.htm> (in English)

inspected healthcare facilities.¹³⁷ The health inspection, however, did reveal administrative shortcomings in the provision of health care but those affected the whole population and did not have the ethnic dimension. As part of this and in consequence of the investigations, a consistent revision of the healthcare legislation was undertaken in Slovakia and the NR SR enacted the Act No. 576/2004 Coll. on healthcare, healthcare-related services and on the amendment of certain acts, as later amended. This act enshrines the institute of the informed consent and provides that the sterilisation can only be executed on the basis of an application in writing and the informed consent in writing [...] Sterilisation cannot be administered before 30 days have lapsed of the informed consent. [...] By the Act on healthcare and healthcare-related services a new substance of the criminal offence has been introduced in the Criminal Act No. 140/1961 Coll. (now the new Criminal Act No. 300/2005 Coll.) of the illegal sterilisation. With effect from 1 January 2006, under § 159 of the Criminal Act, the “illegal sterilisation” is a criminal offence against health, and constitutes a serious violation of human rights.¹³⁸

The Healthcare Act, in compliance with the equal treatment principle guarantees health care and related services provision equally to everybody. It governs a wider range of reasons for ban on discrimination at health care provision as the Anti-discrimination Act (Section 5 paragraph 1 in connection with Section 3 paragraph 3 of Anti-discrimination Act).

• **HUMAN RIGHTS, EDUCATION ON HUMAN RIGHTS (+ intersectionality)**

► **2005: Správa o dodržiavaní ľudských práv v SR v roku 2004/ The Report on Exercising of Human Rights in the Slovak Republic in 2004.**¹³⁹

Pursuant to the Act of the National Council of the Slovak Republic No. 308/1993 Coll., establishing Slovenské národné stredisko pre ľudské práva/ Slovak National Centre for Human Rights as amended by the Act No. 136/2003 Coll., the Slovak National Centre for Human Rights prepares and publishes an annual report on exercising of human rights in the Slovak Republic for the previous calendar year. The Act No. 136/2003 Coll. came into force on 1 June 2003, and that is why the Report for the year 2003 could not be produced within the statutory range. The Report in extenso was produced by the Centre for the year 2004 for the first time. In doing so the Centre co-operated with non-governmental organizations operating in the area of human rights, with state bodies, territorial self-government bodies, interested self-government bodies, and statutory undertakers.

Monitoring and assessing the observance of human rights supporting the elaboration of the Report relate to basic rights and freedoms regulated by the Constitution of the Slovak

¹³⁷ The standpoint seems to be in direct contradiction with the governmental standpoint and the data presented in the Country Reports on Human Rights Practices – Slovakia 2005.

¹³⁸ In: Druhá a tretia periodická správa SR k Dohovoru o odstránení všetkých foriem diskriminácie žien (za obdobie 1998 – 2006)/ Second and third periodical report of the Slovak Republic on the Application of the Convention on the Elimination of All Forms of Discrimination against Women (for the period of 1998 – 2006).

¹³⁹ Elaborated by Slovak National Centre for Human Rights:
http://www.snsplp.sk/rs/snsplp_rs.nsf/0/F048C56CB73E748BC1256FC600380C2F?OpenDocument

Republic, to rights of the child regulated by the Convention on children rights, and since 1 July 2004 also principles of equal treatment in line with the Anti-discrimination Act.

The Report contains those fundamental rights and freedoms the violation of which or their insufficient protection resounded in the Slovak Republic in 2004. It is stated 'The ambition of the Centre in the following period of time is to define precisely what kind of statistical data will have to be acquired and processed to serve as a background for elaboration of the report in next years'.

The Report also monitors the exercising of human rights in the SR resulting from international commitments, summarizes recommendations of foreign committees (UN) in connection with assessment of the mentioned area on the base of other specifications of the SR. It advises of continuous elimination of several reproached imperfections:

As an example it is possible to point out that more than 400 Roma assistants were assumed in the academic year 2003/2004 to help the teachers in education of children from Roma communities; in the Ministry of Interior of the Slovak Republic a fact-finding commission for race motivated violence was established with a view to investigate reports against discriminative treatment of persons from Roma community by police; through revisions of relevant legal regulations, limitations relating to the informed consent in connection with the alleged sterilization of women were eliminated.

► **2006: Správa o dodržiavaní ľudských práv v SR v roku 2005/ The Report on Exercising of Human Rights in the Slovak Republic in 2005.**¹⁴⁰

The Slovak National Centre for Human Rights presented for the second time an entire report based on monitoring the observance of human rights, as it results from law, following the report for 2004. In 2005 the issue of human rights observance in connection with consequences of the running reform in health care and of competence transition to municipalities in the area of social assistance particularly resounded in Slovakia, as stated in the Report.

According to the Report, the Government of the Slovak Republic approved several conceptual documents of a non-legislative nature with a specified responsibility including tasks aimed at human rights protection in 2005 – among others e.g.:

* Akčný plán predchádzania všetkým formám diskriminácie, rasizmu, xenofóbie, antisemitizmu a ostatným prejavom intolerancie na obdobie rokov 2004 – 2005/ Action Plan to Prevent All Forms of the Discrimination, Racism, Xenophobia, Anti-semitism and Other Forms of Intolerance for the Period of 2004 – 2005, approved by the Decree of the Government of the SR No. 689 of 14 September 2005.

* Národný akčný plán pre prevenciu a elimináciu násillia páchaného na ženách na roky 2005 až 2008/ National Action Plan for the Prevention and Elimination of Violence against Women 2005–2008, approved by the Decree of the Government of the SR No. 635 of 24 August 2005.

¹⁴⁰ Elaborated by Slovak National Centre for Human Rights:
http://www.snspl.sk/rs/snspl_rs.nsf/0/F048C56CB73E748BC1256FC600380C2F?OpenDocument

* Národný akčný plán boja proti obchodovaniu s ľuďmi na roky 2006 – 2007/ National Action Plan for Combating Trafficking in Human Beings 2006 – 2007, proved by the Decree of the Government of the SR No. 668 of 7 September 2005.

* Správa o boji proti prejavom násilia, intolerancie a extrémizmu v Slovenskej republike/ Report on Combating against Appearance of Violence, Intolerance and Extremism in the Slovak Republic, approved by the Decree of the Government of the SR No. 969 of 7 December 2005.

* Koncepcia migračnej politiky Slovenskej republiky/ Conception of Migration Policy in the Slovak Republic, approved by the Decree of the Government of the SR No. 11 of 12 January 2005.

* Legislatívny zámer zákona o dlhodobej starostlivosti a podpore integrácie osôb so zdravotným postihnutím/ Legislative Purpose of the Act on Long-term Care and Support of the Handicapped Persons' Integration, approved by the Decree of the Government of the SR No. 497 of 29 June 2005

* Analýza zvýšenia účinnosti ochrany práv detí/ Analysis of the Enlargement of Efficiency of the Children Rights' Protection, approved by the Decree of the Government of the SR of 7 December 2005.

* Národný akčný plán Dekády začleňovania rómskej populácie 2005 – 2015/ National Action Plan for the Decade of Inclusion of Roma Population 2005 – 2015.

* Národný plán výchovy k ľudským právam na roky 2005 – 2014/ National Action Plan for the Education to Human Rights in 2005 – 2014.

In 2005 several acts were adopted or amended which substantially influenced some human rights, the observance of which is also a subject of the Report itself.

In connection with the amendment of the Trestný poriadok/ Criminal Code, the Office of the representative of the Slovak Republic before the European Court for Human Rights proposed an extension of review reasons or reopening of the trial by clauses enabling a rehearing of the case following the judgement of the European Court in situations mentioned in recommendation R(2000)2. This proposal was incorporated into the new Criminal Code that became effective on 1 January 2006.

With respect to the one and half year experience of the Centre in applying the *Anti-discrimination Act* the separate part of the Report on Exercising of Human Rights brings the first assessments and knowledge from practice. Since the coming into effect of the Anti-discrimination Act (from 1 July 2004), the Centre noticed a considerable increase of entries that draw attention to discrimination, especially those directly objecting against various forms of discrimination.

Since the beginning of 2005 the Centre dealt with 217 entries objecting to discrimination and with 68 requests for expert opinion in the matters of observance of the equal treatment principle pursuant to the Anti-discrimination Act. 27 persons asked for elaboration of an action because of violation of the equal treatment principle including pleading at the bar. By feedback information from appellants 7 actions for non-property damages caused by

violating the principle of equal treatment were filed in the court in 2005; the first term of legal proceeding in these matters has not been fixed yet.

The prevailing area of action on discriminatory behaviour (especially violating the principle of equal treatment) is the area of labour relations and similar legal relations, with a growing number of complaints from public servants. As a reason for discrimination the aggrieved persons declared age, gender equality, health condition, and national minority membership. In terms of discrimination, forms of direct discrimination, harassment, and unjustified sanction prevailed.

Delivery of goods and service was another area with objections against discrimination in 2005, especially in connection with the national minority membership in particular of the Roma community.¹⁴¹

(*Správa o dodržiavaní ľudských práv v Slovenskej republike v roku 2006/ The Report on Exercising of Human Rights in the Slovak Republic in 2006* has not been approved by the Managing Board members of the Slovak National Centre for Human Rights or published yet – i.e. as of June 2007.)

► **2006: Národná komisia pre výchovu k ľudským právam na obdobie rokov 2005 – 2014/ National Committee for the Education on Human Rights for the period 2005 – 2014; Základná štúdia o stave výchovy a vzdelávania k ľudským právam v Slovenskej republike/ Basic Study on the State of Development of Human Rights Education in the Slovak Republic.**

As stated many times by experts, Slovakia as a country with strong gender stereotypes and short history of anti-discrimination legislation needs strengthening, particularly in educational and pedagogical aspects within the scope of human rights application in society. In spite of that – and in a conflict with UN recommendations (e.g. UN Decade for the Education to Human Rights in 1995 – 2004), there was no central organ for this issue in Slovakia even in 2000; no strategies and action plans were worked out and approved, and these issues were exclusively solved by deputy by the Ministry of Education of the SR. The main work in the area of education on human rights was performed by non-governmental organizations. Advancement occurred only after the year 2000. Since 2000, two-year Action Plans to prevent all forms of discrimination, racism, xenophobia, anti-semitism and other forms of intolerance have been adopted. In February 2005 the Ministry of Education approved the **Národný plán výchovy k ľudským právam na roky 2005 – 2014/ National Action Plan for the Education on Human Rights in 2005 – 2014**,¹⁴² which refers to requirements of the

¹⁴¹ Data used according to the Report on Exercising of Human Rights in the Slovak Republic in 2005, pp. 3, 5-6, 9, 87-88 and 92.

¹⁴² The National Plan can be found, including Attachments, in the website of the Ministry of Education: <http://www.minedu.sk/index.php?rootId=436>, or http://www.minedu.sk/data/USERDATA/RegionalneSkolstvo/DaLP/20050407_narodny_plan_vychovy_2005_2014.pdf. A gender aspect of equality of opportunities seems not to be inbuilt.

Decade (UN). However this plan proposes conceptual and legislative steps for implementation of education on human rights in the educational system only.¹⁴³

The Slovak National Centre for Human Rights includes the **Národná komisia pre výchovu k ľudským právam /National Committee for Human Rights Education**, established on 3 January 2006 for the period of 2005 – 2014.

A work team was entrusted by the Committee to prepare a **Základná štúdia o stave výchovy a vzdelávania k ľudským právam v Slovenskej republike/ A Basic Study on the State of Development of Human Rights Education in the Slovak Republic**. The report analyzes the status in the given area in the past 15 years, and includes a draft of methodology and resources for preparation of a **Národný plán výchovy k ľudským právam na roky 2005 – 2014 /National Plan of Human Rights Education for the period 2005 – 2014**.¹⁴⁴

► **2000 – 2007**: The government has always approved two-year action plans to prevent all forms of the discrimination, racism, xenophobia, anti-semitism and other forms of intolerance. In April 2006 it adopted the fourth **Akčný plán predchádzania všetkým formám diskriminácie, rasizmu, xenofóbie, antisemitizmu a ostatným prejavom intolerancie na obdobie rokov 2006 – 2008/ Action plan to Prevent All Forms of the Discrimination, Racism, Xenophobia, Anti-semitism and Other Forms of Intolerance for the Period of 2006-2008**.

It has designated the Deputy Prime Minister for European Affairs, Human Rights and Minorities to coordinate the work of the Inter-Ministerial Group for Implementing the Action Plan and to coordinate the implementation of individual activities in the meaning of the Annex to this Resolution, continuously Minister of Justice, Minister for the Interior, Minister of Education, Minister of Labour, Social Affairs and Family, Minister of Health, Minister of Defence, Minister of Culture, and Minister of Foreign Affairs.

The 2006 – 2008 Action Plan priorities are:

- Systematic education and training of members of professional groups who, in the discharge of their professional duties, have an impact on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance.
- Systematic education of and opinion-making activity for professional groups and the public in the area of preventing discrimination against migrants.
- Intensifying the fight against extremism by drafting and applying legislation, improving the efficiency of detecting, investigating, proving and sanctioning racially or other intolerance-

¹⁴³ The Ministry of Education is responsible for implementation of the National Plan. The State Pedagogical Institute is the guarantor and at the same time the coordinator of performing the proposed tasks. Schedules of the National Plan: Analysis 1/ under the name The present state of exercising the human rights in the education department, 2/Public statutes in the area of human rights in the Slovak Republic, 3/Effective monitoring and evaluation system for range and quality of education to human rights.

¹⁴⁴ The full text of the Basic Report see at http://www.snsip.sk/rs/snsip_rs.nsf/0/19618412E25FE930C125729E00489939?OpenDocument.

motivated crime and by systemic education and opinion-making activities in the field of extremism prevention.

- Intensifying monitoring, systematic education and opinion-making in the prevention of anti-Semitism.
- Implementing activities aimed at addressing the challenges of disadvantaged groups of the population.
- Supporting cultural and social sciences activities concerning the compliance with human rights and the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism, and other expressions of intolerance.
- The work of the Inter-Ministerial Group for Implementing the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for the Period of 2006 – 2008.

The Ministry of Finance of the Slovak Republic recommended elaborating the Action Plan for 2006 – 2008 (three years) due to the preparing of the public administration budget for 2006 – 2008 as well.

Literature¹⁴⁵

GENERAL •

Primary sources

► Ústava Slovenskej republiky – zákon č. 460/1992 Zb. v znení neskorších predpisov / The Constitution of the Slovak Republic No. 460/1992 Coll. as amended. (Length: approximately 34 pages.)

www.concourt.sk (English version);

www.zbierky.sk, or <http://www-8.vlada.gov.sk/index.php?ID=1013> (Slovak version)

► Zákon č. 365/2004 Z. z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (tzv. antidiskriminačný zákon)/ Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on amendment of certain acts (Anti-discrimination Act). (Length: approximately 30 pages.)

www.employment.gov.sk/new/index.php?id=714 (in Slovak);

<http://www-8.mensiny.vlada.gov.sk/index.php?ID=468> (in English)

¹⁴⁵ By sources, English (translated) versions of documents, particularly of the Acts or Treaties are, first of all, informative, (not appointed to a next work).

► Deklarácia Národnej rady Slovenskej republiky o zvrchovanosti členských štátov Európskej únie a štátov kandidujúcich na členstvo v Európskej únii v kultúrno-etických otázkach/ Declaration of the National Council of the Slovak Republic of sovereignty of member states of the European Union and of state-candidates for the membership in the EU in cultural-ethical issues. (Length: approximately 2 pages.)

<http://www.nrsr.sk/sub/sk/nrsr/dokumenty.html?searchString> → Vyhlásenia → Deklarácia NR SR...

► Zápis/ Protocol of the 54th meeting of the NR SR (1998 – 2002), held on 30 January 2002. Common Czecho-Slovak parliamentary digital library; [presentation of the draft – V. Palko of KDĽ; discussion; polling]. (Length: approximately 1500, or more pages.)

<http://www.psp.cz/eknih/1998nr/stenprot/054schuz/s054005.htm> → and next pages.

► Druhá a tretia periodická správa SR k Dohovoru o odstránení všetkých foriem diskriminácie žien (za obdobie 1998 – 2006)/ The second and third periodical report of the Slovak Republic on the Application of the Convention on the Elimination of All Forms of Discrimination against Women (for the period of 1998 – 2006); 2007. (Length: approximately 65 pages.)

[http://www.rokovania.sk/appl/material.nsf/0/DEEFC1423E619F1CC12571FC00502A24/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/DEEFC1423E619F1CC12571FC00502A24/$FILE/Zdroj.html) (in Slovak)

Secondary resources

► Csáky o antidiskriminačnom zákone na Slovensku/ Csáky [the Deputy Prime Minister] about Anti-discrimination Act, 2002. Atribút (zdroje SITA a TASR), no. 11-12, p. 11.

<http://atribut.ganymedes.info/slovensko11.htm>

► Csáky: Antidiskriminačný zákon môže byť vzorom pre EÚ. 2004 /Csáky [the Deputy Prime Minister]: The Anti-discrimination Act can be a model to the EU. SITA press agency, 21 May 2004.

<http://www.ganymedes.info/archiv2004/rok2004.asp?intClanek=14>

► Weiss, Peter, 2002. Prejav izolacionizmu a xenofóbie. Nový nástup konzervatívneho fundamentalizmu na Slovensku/ Isolationism and xenophobia manifestation. New formation of conservative fundamentalism in Slovakia. [The statement of the member of the Slovak Council to the Declaration of the National Council of the Slovak Republic of sovereignty ...] Nové slovo, No. 9 (internet edition), 27 February – 5 March.

<http://www.noveslovo.sk/archiv/2002-9/nazory.asp>

► Voľby a tolerancia/ Elections and tolerance, 2002. Survey by questionnaires among political parties in Slovakia before parliamentary elections in 2002 concerning issues of racism, intolerance, discrimination (adoption of the Anti-discrimination Act, Roma community issue, registered partnership of homosexual couples, human rights). Introduction/ Questions/ Answers/ Evaluation were organized by civil association People against racism/ Ľudia proti rasizmu.

<http://www.volby.tolerancia.sk/index.htm>

► Annual report 2005. (The environment, actors.) Elaborated by Slovak Family Planning Association.

<http://www.rodicovstvo.sk/Annual%20Report%20%202005.pdf>

► Lipšic, Daniel [the Minister of Justice], 2005. Rovnosť pre každého, nie rovnakosť pre všetkých/ Equality for everybody, not uniformity for all. Impulz, No. 4.

<http://www.impulzrevue.sk/article.php?62>

SUBISSUE • Family policy/ divorce, separation, marriage

Primary sources

► Národná správa o populácii a rozvoji/ National Report on Population and Development. MPSVR SR, June 1999.

<http://www.employment.gov.sk/new/index.php?SMC=1&id=735>

► Konceptia štátnej rodinnej politiky v Slovenskej republike/ The Concept of the State Family Policy in the Slovak Republic, actualized in 2004. (Length: approximately 45-50 pages.)

<http://www.esf.gov.sk/new/esf/index.php?SMC=1&id=192>

► Zákon č. 36/ 2005 Zb. o rodine a o zmene a doplnení niektorých zákonov/ The Act No. 36/ 2005 Coll. on Family, changing and amending some Acts. (Length: approximately 46 pages.)

<http://www.alianciazien.sk/files/Zakon%20o%20rodine%202005.pdf>.

► Pripomienky k návrhu zákona o rodine/Comments to the Family Act draft; see the website of EsFem civil association. (Length: 4 pages.)

<http://www.esfem.sk/?action=fileDownload&idFile=55>, or www.esfem.sk → Aktuality → Archív aktualít

Secondary resources

► Kvapilová, Erika, 2001. Rodina ako politická otázka/ Family as a political issue. In Spoločná cesta k inštitútu registrovaného partnerstva na Slovensku/ Together to the institute of registered partnership in Slovakia; collection of papers from the conference of the same name. Bratislava: Iniciatíva Inakosť, Freidrich Ebert Stiftung in SR, and others, p. 44-50. [The paper of the Director of the International Centre for Family Studies, MSVR.]

SUBISSUE • Sexual minorities and Same-sex Partnership

Primary sources

► Návrh skupiny poslancov Národnej rady Slovenskej republiky na vydanie zákona o životnom partnerstve dvoch osôb rovnakého pohlavia a o zmene a doplnení niektorých zákonov (zákona o životnom partnerstve)/ Draft of the group of members of the NR SR to pass an act on life partnership of two persons of the same sex changing and amending some acts (Life Partnership Act). (Length: approximately 60 pages.)

<http://www.ganymedes.info/rp/partnerstvo2.htm>

+ Dôvodová správa/ Explanatory report to the act draft of the group of members of the National Council of the SR to pass an act on life partnership of two persons of the same sex changing and amending some acts (Life Partnership Act). (Length: approximately 40 pages.)

<http://www.ganymedes.info/rp/partnerstvo3.htm>

► Debate of deputies in the NR SR about the life partnership of gays and lesbians. Transcript. (Length: approximately 600, or more pages.)

<http://www.ganymedes.info/rp/partnerstvo4.htm>

► Správa o stave ľudských práv gejev, lesbických žien a bisexuálov na Slovensku/ Report on the state of human rights of gays, lesbians and bisexuals in Slovakia, 2005. Slovak National Centre for Human Rights, created on 9 September 2005. (Length: approximately 26 pages.)

http://www.snslp.sk/rs/snslp_rs.nsf/0/241A56E15B04626AC125707700429A58?OpenDocument

Secondary resources

► Stanovisko IN IN k rozprave o zákone o Životnom partnerstve v NR SR/ Attitude of IN IN to discourse on the Life Partnership Act in the NR SR. 2002. Atribút, No. 2, p. 13-16.

<http://atribut.ganymedes.info/stanovisko2.htm>

► Adámková, Eva, 2003. Diskriminácia u nás je / The discrimination exists in our place. SME, 20 March 2003. [The statement of the author of the first Draft of the Registered Partnership Act.]

http://www.ganymedes.info/archiv2003/sme_2003.htm

► Adámková, Eva, 2003. Rodinu registrované partnerstvá neohrozujú./ Family is not endangered by registered partnerships SME, 22 July 2004. [The contribution of the author of the first Draft of the Registered Partnership Act.]

<http://www.ganymedes.info/archiv2004/rok2004.asp?intClanek=10>

► Homosexuáli: Vyzývajú Palka a Lipšica, aby odstúpili. Zástupcovia sexuálnych menšín žiadajú, aby trestným činom bolo hanobenie ľudí menšinovej sexuálnej orientácie./ Homosexuals: Call Palko and Lipšic to resign. Representatives of sexual minorities request the discrimination of members of minority sexual orientation to be a criminal act. 2004. SITA press agency, 14. July 2004.

<http://www.ganymedes.info/archiv2004/rok2004.asp?intClanek=12>

► Palko, Vladimír [the Minister for Interior], 2005. Homosexuálna kauza v zápase o kultúru a slobodu./Homosexual caucus in fight for culture and freedom. Impulz, No. 1.

<http://www.impulzrevue.sk/article.php?3>

► Škoda, Rastislav, 2005. Minister Palko sa hrá na intelektuála. Nejde mu to. /Minister Palko plays the intellectual. It is no go. Slovo, No. 33-34. [Ad: Vladimír Palko, see above.]

<http://www.noveslovo.sk/clanok.asp?id=13292&cislo=33-34/2005>

► Workshop o diskriminácií na základe sexuálnej orientácie/ [Official] workshop on discrimination due to sexual orientation. Created on: 13 March 2007. (Collective authoring of discussion participants; prepared by: Paula Jójárt.)

<http://diskriminacia.altera.sk/view.php?cislocianku=2007031301>

SUBISSUE • Abortions, sexual & reproduction rights, and so called Vatican Treaty

Primary sources

► Zákon Slovenskej národnej rady 73/1986 Zb. o umelom prerušení tehotenstva (čiastka 23/1986)/ Abortion Act of the Slovak National Council No. 73/1986 Coll. on abortion (part 23/1986). (Length: approximately 4 pages.)

<http://www.rodicovstvo.sk/intzakon.htm>, or at

<http://www.zakony.sk/Main/lwDefault.aspx?Template=lwTArticles.ascx&phContent=~/ZzSR/lwFulltext.ascx&LngID=0>

► Vyhláška Ministerstva zdravotníctva Slovenskej socialistickej republiky č. 74/1986 Zb., ktorou sa vykonáva zákon č. 73/1986 Zb./ Regulation of the Health Ministry of the Slovak Socialist Republic No. 74/1986 Coll., administering the act No. 73/1986 Coll. (Length: approximately 25 pages.)

<http://www.rodicovstvo.sk/intvyhlas.htm>

► Národný program ochrany reprodukčného zdravia v SR; návrh/ National programme of reproduction health protection in the Slovak Republic; draft (not approved!); 2004. Elaborated by Slovak Family Planning Association. (Length: 32 pages.)

<http://www.rodicovstvo.sk/nporz.htm>

► Základná (rámcová) zmluva medzi Slovenskou republikou a Svätou stolicou/ Basic (Framework) Treaty between the Slovak Republic and the Holy See, published in the Collection of Laws of the SR under the number 326/2001. (Length: approximately 9 pages.)

<http://www.culture.gov.sk/cirkev-nabozenske-spolocnosti/legislatva/zkony/zakladna-zmluva-medzi-slovenskou-republikou-a-svatou-stolicou>

► Zmluva medzi Slovenskou republikou a Svätou stolicou o katolíckej výchove a vzdelávaní/ Treaty between the Slovak Republic and the Holy See on Catholic education, published in the Collection of laws of the SR under the number 394/2004. (Length: approximately 7 pages.)

<http://www.culture.gov.sk/cirkev-nabozenske-spolocnosti/legislatva/zkony/zmluva-medzi-slovenskou-republikou-o-vzdelavani>

► Návrh zmluvy medzi Slovenskou Republikou a Svätou stolicou o výhrade svedomia/ The draft of the Treaty between the Slovak Republic and the Holy See on the Right to Exercise Objection of Conscience, 2004/11/5. (Length: approximately 20 pages.)

<http://www.moznostvolby.sk/> → Návrh ZMLUVY ... (in Slovak), or http://www.moznostvolby.sk/index_engl.htm → Treaty between ... (in English).

► Opinion N° 4-2005: The Right to Conscientious Objection and the Conclusion by EU Member States of Concordats with the Holy See, 14 of December 2005. Elaborated by the E.U. Network of Independent Experts on Fundamental Rights. (Length: approximately 41 pages.)

http://ec.europa.eu/justice_home/cfr_cdf/doc/avis/2005_4_en.pdf

► Letter to the Prime Minister Mikuláš Dzurinda from the members of the European Parliament, concerning on the “Treaty between the Slovak Republic and the Holy See on the Right to Exercise Objection of Conscience”, 21 of April 2005. Not published. (Length: approximately 2 pages.)

Secondary resources

► Adámková, Eva, 2000. Zmluva s Vatikánom ohrozuje ústavné práva občanov SR/ Treaty with Vatican endangering constitutional rights of citizens in the SR. Lawyer opinion on the Basic (Framework) Treaty between the SR and Vatican being in preparation. Sme, 4 July 2000. [The contribution of the author of the first Draft of the Registered Partnership Act.]

► Bachárová, Gabriela, 2000. Zmluva s Vatikánom alebo s katolíckou cirkvou?/ Treaty with Vatican or Catholic Church? According to SDL' the adaptations are not sufficient. Comments of the Minister of Labour P. Magvaši (SDL') and of an expert in the area of state and law K. Zavacka. Národná obroda, 23 June 2000.

► Cviková, Jana, 2000. Čo má čadar spoločné s vatikánskou zmluvou/ What has “čadar” in common with the Vatican treaty? Critical opinion of the member of the Group of Experts in education and research, generic analyses and statistics of KVPŽ on ratification of the Basic (Framework) Treaty between the SR and the Holy See. Attention to the fact that this treaty is in conflict with existing national conventions (Convention of UN on the rights of the child, Convention of UN on elimination of all discrimination forms of women). Sme, 2 December 2000.

► Čarnogurský, Ján, 2000. Najväčší odpor zmluve kládla SDL'/ The biggest aversion to the treaty from SDL'. Interview with Ján Čarnogurský about his perception of the the SR – Vatican treaty approval from the position of the General Attorney. Sme, 18 August 2000. [Interview with the long-term chairman of KDH, the M.P. of NR SR.]

► Čič, Milan, 2000. Zachovať princíp ústavnosti a zákonnosti/ To keep the principle of constitutionality and lawfulness. Interview with M. Čič, ex-chairman of the Constitutional Court of the SR, about preparation of basic interstate treaty between the Slovak Republic and Vatican. Slovenská republika, 7 July 2000.

► Figel', Ján, 2000. Schválením zmluvy sme dokázali zodpovednosť/ Approving the treaty we demonstrated our responsibility. Interview with J. Figel', assistant secretary of the Ministry of foreign Affairs of the SR about his perception of the SR-Holy See treaty approval. Sme, 17 August 2000.

► Figel', Ján, 2000. Zmluva so Svätou stolicou posilní medzinárodné postavenie SR. História prípravy zmluvy/ Treaty with the Holy See will strengthen the international position of the SR. History of the treaty development. Contribution of J. Figel', assistant secretary of the Ministry of Foreign Affairs of the SR which was the guarantor of the treaty development. Benefit of the signing of the Basic (Framework) Treaty with the Holy See for Slovakia. Fakty : Týždenník moderného kresťana, 7/49.

► Kresák, Peter, 2000. Nehlasoval by som za/ I would not vote for it. Interview with P. Kresák, deputy in the NR SR for SOP about questionable formulations in individual articles of the Vatican treaty text draft. Pravda, 22 June 2000.

► Mikloško, František, 2000. Vatikánska zmluva je o morálke aj politike/ The Vatican treaty is about moral and policy. Interview with F. Mikloško, deputy in the NR SR for KDH about his evaluation of the generally formulated text of the basic treaty of the SR with the Holy See in compare with the original draft and about four additional agreements. Národná obroda, 24 November 2000.

► Zavacká, Katarína, 2000. Ideová výbava Mussoliniho konkordátu : V čom je problém základnej zmluvy Slovenskej republiky so Svätou stolicou/ Ideological outfit of the Mussolini concordat : Wherein is the problem of the Basic treaty between the Slovak Republic and the Holy See. Historical view of forming the relationship between the state and the church in the interwar period, in years 1938 – 1945, and in postwar Czechoslovakia. Similarities of the present draft of the basic treaty between the SR and the Holy See and the concordat concluded by the Holy See with Italy in 1929. Práca, 12 June 2000 and 13 June 2000 (finalization).

► Open letter to the Members of Committee of Women Rights and Gender Equality, European Parliament, Brussels, 18 of January, 2005. Elaborated by the representatives of the NGO's Association Pro Choice Slovakia [ad: Vatican Treaty].

http://www.moznostvolby.sk/index_engl.htm → Open letter ...

► Lajčáková, Jarmila, 2005. The Draft Treaty on the Exercise of Objection of Conscience between Slovakia and the Holy See: most recent developments.

http://www.moznostvolby.sk/index_engl.htm → The Draft Treaty ...

► Lipšic, Daniel [the Minister of Justice], 2006. Niekoľko právnych argumentov k výhrade vo svedomí/ Several legal arguments to the objection of conscience. Impulz, No. 1.

<http://www.impulzrevue.sk/article.php?87>

► Lipšic, Daniel [the Minister of Justice], 2006. Teraz Dzurindovi neverím, ale môže sa to zmeniť/ Now I don't give credit to Dzurinda but it can change; interview. Slovo, No. 7, 15 February 2006, p. 4.

<http://slovo.newtonit.sk/default.asp?cache=244106>

► Dušan Čaplovič: Zmluva nie je aktuálna/ The treaty is not topical. Interview with the Deputy Prime Minister. HN.HNONLINE.SK, 8.1.2007.

http://forum.hnonline.sk/c3-20117080-k80000_detail-internet-zmluva-nie-je-aktualna

SUBISSUE • The (alleged) forced sterilisations of the Roma women

Primary sources

► Mccafferty, Christine, 2003. Stanovisko k reprodukčným právam a údajným sterilizáciám rómskych žien v Slovenskej republike/ Attitude to reproduction rights and alleged sterilizations of women from Roma community in the Slovak Republic. Bratislava, 13 May 2003. (Length: approximately 4 pages.)

[http://www.rokovania.gov.sk/appl/material.nsf/0/958B2A0BCAF4C359C1256DCC004D62DF/\\$FILE/Zdroj.html](http://www.rokovania.gov.sk/appl/material.nsf/0/958B2A0BCAF4C359C1256DCC004D62DF/$FILE/Zdroj.html)

► Zákon č. 576/2004 Z. z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti a o zmene a doplnení niektorých zákonov/Act No. 576/2004 Coll. on health care and health services changing and amending some acts. (Length: approximately 300 pages.)

<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisCislo=576&Rocnik=2004>

Secondary resources

► Telo i duša: Násilné sterilizácie a ďalšie útoky na reprodukčnú slobodu Rómov na Slovensku/ Body and Soul: Forced sterilizations and other attacks of reproduction freedom of Roma community members in Slovakia, 2003.

<http://www.poradna-prava.sk/dok/teloidusa.pdf?PHPSESSID=b3b56b9553902744e930e839ede821ab>

OTHER SUBISSUES •

Primary sources

► Súhrnná správa o stave dodržiavania ľudských práv v Slovenskej republike za rok 2004 – Ľudské práva žien/ General report on the status in exercising of human rights in the Slovak Republic in 2004 – Human rights of women. Slovak National Centre for Human Rights, created on 9 September 2005. (Length: approximately 40 pages.)

http://www.snslp.sk/rs/snslp_rs.nsf/0/C9129224B9A1DDD3C1257077003EA338?OpenDocument

► Správa o dodržiavaní ľudských práv v Slovenskej republike v roku 2004/ Report on Exercising of Human Rights in the Slovak Republic in 2004. Slovak National Centre for Human Rights. (Length: approximately 73 pages.)

http://www.snslp.sk/rs/snslp_rs.nsf/0/F048C56CB73E748BC1256FC600380C2F?OpenDocument

► Správa o dodržiavaní ľudských práv v Slovenskej republike v roku 2005/ Report on Exercising of Human Rights in the in the Slovak Republic in 2005. Slovak National Centre for Human Rights. (Length: approximately 94 pages.)

http://www.snslp.sk/rs/snslp_rs.nsf/0/F048C56CB73E748BC1256FC600380C2F?OpenDocument

► Základná štúdia o stave výchovy a vzdelávania k ľudským právam v Slovenskej republike/ A Basic Study on the State of Development of Human Rights Education in the Slovak Republic. Slovak National Centre for Human Rights. Národná komisie pre výchovu k ľudským právam. December 2006, prepared by Janka Debrecéniová and Šarlota Pufflerová. (Length: approximately 60 pages.)

http://www.snslp.sk/rs/snslp_rs.nsf/0/19618412E25FE930C125729E00489939?OpenDocument

GENDER-BASED VIOLENCE

Introduction

Despite the fact that the former Czechoslovak Socialist Republic had already ratified the CEDAW Convention in 1982, the issue of gender based violence was a taboo in Slovak society for a long period. It was opened firstly in an expert discourse after 1995 and then gradually reached the public level at the beginning of the 2000s. After 1995, the first psychological research on gender based violence was carried out, although on a limited sample. At the same time, international literature was translated. The feminist publishing house Aspekt played an important role in presenting relevant translated literature as well as the first Slovak articles. Gradually help lines and crises centres appeared, all run by NGOs. Women's NGOs have played a crucial role in promoting the issue of gender based violence and in advocacy for adequate mechanisms and changes on a policy level. In addition, the international development in the area of women's human rights protection such as the Peking Declaration or activities on the European level led logically into several changes of discourse in the society of the Slovak Republic. Despite many positive changes since 1995, it can be concluded that gender based violence, similar to a broader issue of gender equality, was dealt with mostly in a reactive manner and was approached with formalism on a policy level. The significant gaps persist in policy implementation and in allocation of resources to backup policies. Moreover, in the last decade several attempts to limit women's rights mainly in the area of reproductive rights appeared on a political level.

The main sub-issues concerning gender based violence discussed in Slovakia comprise violence against women in intimate relationships (domestic violence) and trafficking in women (human beings) and forced prostitution. The issues of sexual harassment and sexual violence were discussed to a much lower extent. The sub-issue of honor crimes, forced marriage and FGM is not relevant for the country context. As abovementioned, the reactive approach of policy makers can be clearly seen. The most developed and discussed issues have been those in which a certain outside pressure appeared, either internal (the case of domestic violence) or external (the case of trafficking). In other sub issues a common strategy is visible - to set up legislative measures as the main policy instrument without developing strategies, internal guidelines or using any other policy tools.

The institutional mechanisms dealing with gender based violence:

The issue of gender based violence generally belongs to the gender equality agenda. As such, the gender equality mechanisms were responsible for developing policies dealing with violence against women. The plural refers to a chronology of the positioning of the mechanism at the Ministry of Labour, Social Affairs and Family rather than to a diversification of mechanisms throughout the state institutions. (For more details see the chapter on institutional mechanisms.) However, the criminal aspect of gender based violence required the involvement of law enforcement agencies in tackling the issue. Therefore, in 1999, the **Expert Group for the Prevention of Violence against Women and in Families** was set up at the Government Council for Crime Prevention. The Expert group consisted of

representatives of ministries, law enforcement agencies, service providers and NGOs. The responsibility for the Expert Group lay within the competencies of the Ministry of Interior. The functioning of the Expert Group was blocked and its representatives did not meet after 2002. The status of the Expert Group was renewed in 2005.

Similarly, an **Expert Group for the Prevention and Assistance to Victims of Trafficking in Persons** was appointed by the Ministry of Interior in 2005. The group is made up of representatives of different ministries, NGOs, IOM and UNHRC. Its major task was to draft the National Action Plan for Combating Trafficking in Persons. In the same year, the **National Coordinator for Combating Trafficking in Persons** was appointed and the **Division for Trafficking in Human Beings, Sexual Exploitation and Victims Support** was established at the Police Force Headquarters with the role to provide assistance to victims of trafficking and sexual exploitation.

However, the main engine in the agenda was the civic sector, namely women's NGOs with their expertise, advocacy efforts, and public campaigns and in several cases, also the legislative drafting.

MAIN SUBISSUES

• Violence against women in intimate relationships (domestic violence)

In the Slovak context, this sub-issue is the most prominent due to the constant effort of women's NGOs who put it on the agenda in the last half of the 1990s. The development of the issue is serving as a good example of how constant pressure and systematic and coordinated work of NGOs can lead to significant changes. NGOs started the first crises centres and in combination with international expertise (mainly Austrian) and local responses they soon acquired relevant expertise in the issue. The other important element was the financial support from the side of international donors to these NGOs that allowed their functioning, carrying out of public campaigns and the first research in the issue in Slovakia. Due to the public discussion, the public administration was forced to react and at the beginning of the new century several actions and commitments were made such as legislative changes aiming at better legal protection of victims of violence in intimate relationships and preparation of policy documents dealing with the issue. However, the year 2005 marked the decline in the interest of the public administration. During the preparation process of the National Strategy for Prevention and Elimination of Violence against Women and in Families several successful attempts to limit the issue appeared. The state administration, namely the leadership of the Ministry of Labour, Social Affairs and Family, created severe obstacles to the development of a comprehensive and effective strategy. As a result, the existent strategy omits the gender based causes of the violence and designs similar approaches to different types of violence comprised under the subject of violence in families. The strategy was further elaborated into the National Action Plan for the Prevention

and Elimination of Violence against Women that assigns significant responsibilities to the inter-sectoral body – the Expert Group for the Prevention of Violence against Women and in Families- that does not have adequate capacity for their performance and so far seems inefficient.

Despite the fact that many positive changes for the victims of violence against women have happened, there are still issues to be solved:

- legislative changes – law on expelling the perpetrator from a household.
- lack of expertise of law enforcement agencies, courts, legal, social and health professionals – despite the numerous trainings organized by NGOs there is still lack of knowledge and expertise among relevant professionals about the dynamics of domestic violence, its traumatic effects on victims and effective ways of intervention. The trainings were so far organized on a regional level and violence against women is not a part of official professional training of the law enforcement agencies and helping professions. NGO reports show gaps in the implementation of legislation due to the insufficient methodologies and persisting stereotypes.
- lack of a coordinated approach towards violence against women both in interventions and prevention – lack of coordination among law enforcement agencies, social and health institutions and NGOs.
- lack of services for victims of domestic violence –the country does not fulfill the EU standards on number of counseling and shelter services for victims.
- lack of resources for NGO activities – despite the fact that NGOs are the leading providers of services for victims of violence against women on a professional level the state and self-government funding is not covering majority of their services. The situation is caused partially by the low interest of funding agencies and partly by the funding system which does not allow organizations to have secret addresses and housing and restricted access to the documentation of cases (which is crucial for building the trust of women and for providing safe and effective help). Due to the abovementioned, the organizations face each year a need to mobilize resources for their service activities as well as for projects aiming at systematic changes in combating violence against women.

● **Sexual assault and rape**

The sub issue was never a subject of public or policy discussion. As such it is dealt with mainly in the criminal law context. The Criminal Code recognizes rape (Article 199), sexual violence (Article 200) and sexual abuse (Article 201). The definition of all these crimes comprises violence, a threat of violence and a misuse of a person's vulnerability. As such, it offers, in theory, adequate protection against sexual assault and rape. Due to the lack of research on the topic it is difficult to assess its practical implementation. Moreover, there are no specialized institutions, either state or NGOs dealing with the victims of sexual assault or rape; although some NGOs which deal with the issue of domestic violence may extend their assistance to victims.

According to the Act on compensation to victims of violent crimes (Act No. 215/2006) the victims of rape and sexual violence can claim financial compensation. The inclusion of these violent crimes against women to the compensation system equalizes the harm caused with the harm caused by other forms of violence.

- **Trafficking in human beings and prostitution**

The issue of trafficking in human beings is underdeveloped in Slovakia. For a long period of time, the issue was neglected by all sectors of society, both policy makers but also a civil society. The lack of attention can be explained by the fact that Slovakia was considered as a transition country and to a lower extent the source country, not a destination country. The opening of the issue after 2002 was facilitated by international organizations such as the International Organization for Migration, international policy development, for example signing of the Palermo Protocol, and several critiques of the Slovak government from the side of international organizations (mainly the US Department of State) for not complying with minimal standards for the elimination of trafficking in human beings. The first institutional mechanism assigned to combat trafficking in human beings was established in 2002 under the Police Force Headquarters. The institutional back up was enhanced in 2005 envisioning the adoption of the National Action Plan for Combating Trafficking in Human Beings, finally adopted in 2006.

Nevertheless, a significant lack of data and research on trafficking persists. The lack of data complicates development of relevant policy measures and designing any possible actions to be taken.

- **Sexual harassment and stalking**

The term sexual harassment is nonexistent in Slovak legislation though harassment in general is recognized. Under the scope of its definition sexual harassment is included. The harassment is defined as “such a kind of treatment that the affected person can reasonably consider to be unpleasant, inappropriate or offensive and the intent or effect of which is or can be violation of the dignity of this person or creating hostile, degrading or intimidating environment and the toleration of which can be perceived by the person affected as a precondition for a decision or exercise of rights and duties that are related to legal relations.” Although there were several attempts to introduce specifically sexual harassment into the Slovak legislation mainly in the public comments on the legislative process from the side of academia and NGOs (Labour Code, Anti-discrimination Act) none of the efforts were successful.

In the scope of the EQUAL program, one of the supported projects is dealing specifically with the issue however; the results of the project are not yet published.

Act No 365 of 2004 on Equal Treatment in Some Fields and on Protection against Discrimination, as amended, adopted on 20 May 2004, in effect from 1 July 2004.

- **Forced marriage, honor crimes and FGM**

Not applicable in the Slovak context.

TIMELINE

► 1997: National Action Plan for Women (general)

The National Action Plan for Women adopted by the government in 1997 was the first policy document dealing with the issue of violence against women. The elimination of violence against women was one of the priorities stated in this strategy document. The provisioned measures concerning this priority area allocated the following tasks to the government:

- to create legislative and educational provisions to eliminate the violence against women,
- to support new centres for violence victims (asylum houses), or centres for people in hard life situations with consulting services,
- to promote changes in legislation so the law enforcement agencies can proceed in cases of criminal acts committed against family members without a victim's consent,
- to prepare educational programs to change the behaviour of aggressive individuals and facilitate their return to their families,
- to promote the creation of the SOS line for violence victims, to train the SOS line staff,
- to join the national and international programmes to eliminate prostitution and trade with women and children and publish these programs (National Action Plan for Women).

As it can be seen, the formulation of provisions is too abstract and general. They set up more the direction of action rather than specifying concrete measures to tackle the issue.

► 1999: Amendment of the Penal Code (domestic violence)

The first legal regulations of the issue of violence against women in Slovak legislation appeared in 1999 by the amendment of the Penal Code (Act No. 140 of 1961, as amended). The commentary to the amendment stated that it was a reaction to requirements of international organizations to legally protect victims of "so called domestic violence". A term of "closely related person" was introduced broadening the legal protection against domestic violence to all family members including spouses. Up to the amendment the protection covered solely dependant persons. The definition of violence against a closely related or dependent person causing physical and psychological suffering was changed as follows:

- repeated beating, unjustified locking up, excessive evocation of fear or stress, or by other forms of disproportionate or unreasonable punishing;
- repeated and unjustified deprivation of food, essential clothing, essential hygiene, essential health care or shelter;
- forcing begging or repeated activities causing their disproportionate physical strain considering their age, health condition or physical and psychological maturity, or forcing other activities damaging health of people;
- repeated or disproportionate exposure to substances damaging people's health.

► **2000 and subsequently in 2001, 2003 and 2004: Act on Social Assistance** (domestic violence)

Act No. 195 of 1998 was amended allowing establishing of facilities for victims of violence against women. Despite this positive change, the legislative gaps still remain – the facilities with a secret address and housing and restricted access to documentation are not allowed to apply for financing from public sources. However, the secret address and confidentiality is a prerequisite for provision of services to victims of violence.

The problem should be solved by an Act on Services that is in preparation and that is supposed to be considering the issue more consistently.

► **2001: The Concept of Equal Opportunities for Men and Women** (general)

The Ministry of Labour, Social Affairs and Family prepared and the government adopted the Concept in 2001. Under the heading of “Measures and recommendations for the implementation of equal opportunities in the family” the issue of violence against women is comprised in the following measures:

- develop a national strategy for the elimination of violence against women and in families;
- give support to setting up facilities for victims of domestic violence within amending the Social Assistance Act;
- supplement the effective legislation from the area of the elimination of domestic violence, sexual harassment, and the traffic in human beings;
- provide training programs to increase awareness of gendered violence for policemen, prosecutors, judges, social workers and physicians;
- in all crime statistics, specify gender of both offenders and the victim, and their mutual relation, in order to facilitate identification of gendered crimes (The Concept of Equal Opportunities for Men and Women).

According to the Concept, the first three tasks were supposed to be accomplished by 2002. The National strategy for the elimination of violence against women and in families was adopted in 2004. Despite several legislative changes, some of the above-mentioned issues are still not tackled sufficiently in the legislation. Although the trainings were foreseen to be carried out on a regular basis, their organization was up to now rather incidental. The crime statistics offer the gender division of offenders and victims. However, their mutual relationship is not included which makes monitoring of violence against women in intimate relationships impossible.

► **2001 – 2002: The first awareness raising campaign titled “The fifth woman”** (domestic violence)

In this period the first nationwide media campaign was organized by the coalition of 7 women’s NGOs. The campaign was realized without any assistance from the side of state actors. It was financially supported by several non-state donors. The campaign used multi-

media resources (print, electronic, Internet) followed by professional and public discussions, seminars, books publications and political negotiations. It provoked wide professional and public discussions and significantly contributed to the “de-tabooing” of a topic and to the elimination of myths and prejudices in the issue of violence against women.

► **2002: Amendments of civil and penal legislation concerning the issue of violence against women** (domestic violence)

Due to the continuous advocacy efforts of women’s NGOs and the success of the awareness raising campaign The Fifth Woman, significant legislative changes concerning the issue of violence against women were adopted. Moreover, women’s NGOs actively participated in the development of legislative proposals. The involvement of the National Association of Female Judges also contributed highly to the adoption of amendments. The following provisions introduced by the amendments in 2002 remain unchanged after the complex recodification of the Penal Code and the Code of Criminal Procedure in 2005; the cited articles refer to already recodified legislation.

The major legislative changes in the Penal Code (Act No. 300 of 2005):

- broadening of the definition of “closely related person” including ex-spouse, ex-partner, a parent of a couple’s child and a person who is a closely related person to the above listed persons, as well as persons who share or have shared residence with the perpetrator (Article 127);
- broadening of the definition of violence including specification of various forms of physical and psychological violence as well as deprivation and restriction of access to properties, in addition, the term “repeated” disappeared from the definition (Article 208);
- increase in severity of sanctions in case of criminal acts committed against a closely related or dependent person.

Other important changes related to gender based violence - the term “carnal abuse“ was replaced with the term “sexual abuse“ which has a wider definition. Facts of the case of rape and sexual violence were amended and now stricter penalties are possible in more circumstances (including an act of violence against a close or dependant person).

Questioning of noting of age person was amended (interview is taped and does not have to be repeated) and the provision on the necessity of victim’s consent for criminal proceeding of the Code of Criminal Procedure (Act No. 301 of 2005) was changed as well.

Change in the Code of Civil Procedure (Act No. 99 of 1963, as amended):

- introduction of a provisional remedy barring the person suspected of violence against closely related persons from entry to the residence of a person who he/she has committed violence against (Article 76).

Change in the Civil Code (Act No. 40 of 1964, as amended) allows limiting the property rights of a perpetrator of violence of a household in common ownership before and after a divorce. In case of a divorce, the injured party who continues residency in the commonly owned property is not obliged to provide a perpetrator with compensation.

The proposal to amend the provision allowing police to expel a perpetrator from the household for a week was not adopted.

The legislative changes significantly improved the status of victims of violence against women. Nevertheless, women's rights NGOs and advocates highlight several gaps in implementation of the legislation, mainly in gaining the criminal evidence and in court practice. To improve the situation, systematic methodological guidelines and trainings to law enforcement agencies and judges should be introduced.

► **2002: The amendment of the Criminal Code** (trafficking and prostitution)

Prior to 2002, the criminal offence "trafficking in women" was defined as follows "if [the perpetrator] has induced, hired or transported a woman to another country with the intention of her use for sexual intercourse with another" in the Penal legislation. In 2002, the definition was extended to "trafficking in human beings" reflecting change in the anti-discrimination principles and the legal definition of the offence.

At the same time, the first institutional mechanism dealing with the issue of trafficking in human beings – the Department for Combating Traffic in Persons and Sexual Exploitation was set up under the Office for Combating Organized Crime at the Police Force Headquarters.

► **2002 – 2003: The second awareness raising campaign titled *The fifth woman*** (domestic violence)

The second year of the NGO campaign paid attention to the legal and criminal consequences of violence with a leitmotiv: violence against women is not a "tradition", but a crime, and a problem society must deal with. Due to the years of campaigning, the attitude of the media, professionals and public started to change. Currently, violence against women together with inequality of women in the workplace are publicly perceived as the most important issues within the agenda of gender equality.

► **2003: First national representative survey on gender based violence** (domestic and sexual violence)

The International Centre for Family Research conducted the first representative survey on gender based violence. Similar to the awareness raising campaigns, the research was financed solely from non-state resources such as the United Nations Development Program, Open Society Foundation and Friedrich Ebert Stiftung. The research concentrated on both forms of gender based violence – violence committed in and outside of intimate relationships. The data showed that gender based violence is highly present in Slovakia; up to 75 % of adult Slovak women have personal experience of at least one act of sexual harassment and/or sexual or physical violence from a man – non-partner. Almost 40 % of Slovak women have suffered from sexual violence from a man who has never been their partner (specifically sexual harassment and/or attempted intercourse and/or rape); in 60 % of these cases, the perpetrator was known to a woman (from school, work, family or neighbourhood). Concerning violence in intimate relationships, every fourth Slovak woman aged 18 to 65, who has had a partner in her life experienced violence from at least one of her partners.

With regard to such a wide spread phenomena, significant institutional support is required. Nevertheless, the majority of service providers are NGOs without relevant financial subsidies from public resources and the number and quality of services do not comply with EU standards.

► **2003: Situation Report on Trafficking in Human Beings in Slovakia** (trafficking and prostitution)

The International Organization for Migration has conducted and published the situation report on trafficking containing the national framework for combating the issue, an analysis of accessible data from state, international and non-governmental resources and media coverage of cases in the year 2002. The report also included a survey among Slovak girls and young women on their perception of a danger of being trafficked as well as their plans regarding work migration.

► **2004: National Strategy for Prevention and Elimination of Violence against Women and in Families** (domestic and sexual violence)

The Slovak government adopted the National Strategy for Prevention and Elimination of Violence against Women and in Families by the Governmental decision No. 1092 of 2004. The process of the development of the strategy reflected the extent of attention the policy makers paid to the issue. The Expert Group for the Prevention of Violence against Women and in Families set up in 1999 was supposed to develop the strategy. Due to the malfunctioning of the Expert group and insufficient leadership from the side of the Ministry of Interior it did not fulfill the task. The National Strategy was finally prepared by a department of the Ministry of Labour, Social Affairs and Family.

The Department of Equal Opportunities and Anti-discrimination proposed to the government to sharpen the focus of the strategy, to focus exclusively on women without inclusion of other family members, but the proposal was rejected. Subsequently, the department continued its effort together with experts and NGO representatives participating on the development of the strategy. Despite the strong professional base, the first version of the strategy- which proceeded from a feminist and human rights standpoint and which emphasized the gendered basis of violence against women, gender inequalities and stereotypes as root causes that should be dealt with in prevention- was not enforced. Instead the management of the Ministry widened the target groups of the strategy by including children, disabled and elderly and refused the gender standpoints of the strategy. As a reaction, the head of the department resigned. Nevertheless, the department finally submitted an elaborated strategy according to ministerial requirements. NGOs protested during the amendment procedure and initiated a collective public citizen amendment. The Ministry of Labour, Social and Family Affairs only partially accepted proposed amendments and the almost unchanged version of the strategy was approved by the government on the 16th November 2004. According to experts, the

strategy “goes against all recommendations of the international documents and experiences of other countries”.¹⁴⁶

The adopted National Strategy for Prevention and Elimination of Violence against Women and in Families consists of three main parts:

- the background for its development including international commitments of the Slovak Republic, existing legislation, definitions, frameworks and principles for implementation;
- strategic and analytical part characterizing violence against women, children, elderly and disabled people;
- framework for intervention in four principle areas – legal framework, service provision, prevention and research.

Each principle area is elaborated into objectives, priorities and suggested measures. The Strategy also proposes to develop action plans for each concerned target group.

► **2004: Further Amendments of the Criminal Code** (trafficking and prostitution)

In the process of ratification of the EU Council Framework Decision on combating trafficking in human beings and the application of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) further legislative changes came into effect in 2004 (Act No. 403 of 2004). Under this law the offence of trafficking is committed by:

“whoever, by means of fraudulent conduct, trick, restriction of personal freedom, violence, threat of violence, threat of another gross harm or other form of force, by accepting or providing a payment or other benefits to achieve the consent of a person on which another person is dependant, or by abusing his own position or abusing another person’s helpless or otherwise vulnerable position, lures, holds, delivers or receives another person, including with the person’s consent, for the purpose of the person’s prostitution or other form of sexual exploitation including pornography, for the purpose of forced labour or forced service, slavery or practices similar to slavery, servitude, illegal taking of organs or tissues or other forms of exploitation.”

In case the perpetrator commits the cited criminal offence as a member of an organized group, or thereby causes death of several persons an extraordinary term of imprisonment may be imposed on the person.

Prostitution is legally defined as “providing sexual intercourse or other sexual services for a reward“. It is not prohibited by the legislation. The criminal act is to profit from prostitution.

► **2005: National Action Plan for the Prevention and Elimination of Violence against Women** (domestic and sexual violence)

¹⁴⁶ Filadelfiová, Jarmila, and Bernardína Bodnárová, 2004. Násilie páchané na ženách. In Slovensko 2004. Súhrnná správa o stave spoločnosti, ed. Miroslav Kollár, and Grigorij Mesežnikov. Bratislava: Inštitút pre verejné otázky, s. 927.

The National Action Plan for the Prevention and Elimination of Violence against Women was adopted by the governmental decision No. 635 of 2005 on 24 August 2005. The document was developed for the period of 2005 to 2008 with the aim to set up the principal framework for action. On the basis of future evaluation, the further elaboration of actions on the basis of revision for three years periods is foreseen. Its principal objective was “to implement, adequately and effectively, the procedures for the prevention and elimination of violence against women in a way which would prevent women from having to face infringement of their human rights and enable them to live their lives safely, freely and with dignity, without any threats.” (National Action Plan for the Prevention and Elimination of Violence against Women). The coordination, monitoring and progress assessment of the Action Plan was assigned to the renewed **Expert Group for the Prevention of Violence Committed against Women and in Families**.

The Action Plan reflects four principals areas already defined in the Strategy. The following measures are provisioned in the legislative area:

- to conduct a comparative study on legal protection instruments for women – victims of violence in Slovakia and other EU countries;
- to monitor activities of law enforcement agencies on implementation of the existent legislation in order to improve their performance;
- to elaborate methodological guidelines for investigation that would prevent secondary victimization and traumatization of women – victims of violence.

In the area of service provision the Action plan allocates following tasks:

- to renew the functioning of the Expert Group for the Prevention of Violence Committed against Women and in Families;
- to revise subsidy policy of the Ministry of Labour in 2006 in order to improve financing of services taking into account the diverse needs of women – victims of violence;
- to elaborate standards of services reflecting diverse needs of women facing violence or violent threats on the basis of EU standards;
- to develop methodologies and training programs how to deal with women – victims of violence for law enforcement agencies, health and social work professionals;
- to facilitate a coordinated approach of all professionals providing the protection and help to women – victims of violence on local levels;
- to include development of a specialized network of help-lines and crisis centres as a reimbursable budget line in projects financed by the European Social Fund;
- to include specialized counselling to women – victims of violence into the competencies of psychological counselling centres;
- to raise awareness on signs of violence against women and possibilities of help in such cases through helping professions (with focus on specially endangered groups of women);

- to include the issue of violence against women into the professional training of all concerned groups of professionals;
- to carry out trainings of trainers for professional groups in close cooperation with NGO experts;
- to develop special programs for sentenced perpetrators that committed violent crimes against women;
- to support nongovernmental activities related to the elimination of violence against women and to create conditions for their enhancement in the forms of calls for proposals or other means.

In the area of prevention attention is paid to:

- to include the agenda of violence against women into the National Plan for Human Rights Education;
- to include the agenda of violence against women into educational documents dealing with human rights;
- to conduct trainings for journalists and media on the issue of violence against women;
- to establish working groups in public media with the aim to inform the public on violence against women and experts' opinions on the issue;
- to carry out awareness raising campaigns in order to improve the legal awareness of the public on harassment in working relations;
- to inform women from marginalized and endangered groups about violence against women and possibilities of help;
- to publish contacts of help lines and centres on a webpage.

The research area should focus on:

- improvement of statistical databases of sectors;
- improvement of further analysis of statistics and its regular publishing;
- research on the issue of violence against women with special focus on marginalized groups of women carried out by state research institutions;
- involvement of the Slovak Republic in the EU programs focusing on research in the area of violence against women;
- elaboration of monitoring reports on policy implementation dealing with the issue of the elimination of violence against women with regard to common EU indicators in order to map the situation in Slovakia.

In addition to monitoring tasks, the Expert Group is assigned with policy making tasks such as development of professional methodologies, standards of services or implementation reports. Nevertheless, its members are not allocated with additional working time and

remuneration. According to Filadelfiova and Butorova,¹⁴⁷ during the first year of the functioning of the Expert Group only three sessions (including the inauguration one) were conducted and the activities were stifled probably due to the elections in 2006.

► **2005: Country Reports on Human Rights Practices – Slovakia 2005** (Bureau of Democracy, Human Rights, and Labour of the U.S. Department of State) (Rape, Sexual Harassment)

The law prohibits rape, including spousal rape. Although the government enforced the law effectively, rape was a problem. The sentence for rape is 2 to 8 years in prison and can be increased to 5 to 12 years, depending on the age of the victim or whether brutal force was used. The sentence may be further increased to 10 to 15 years if the victim dies as a result of the rape. Through August the police reported 121 cases of rape, which specialists said was underreported. Rape victims also have access to the shelters and counselling offered by NGOs and government-funded programs.

The law does not prohibit sexual harassment, and there were no statistics available to measure the frequency or severity of its occurrence. The government took no action during the year to combat sexual harassment.

Both issues, rape and sexual harassment, are not extensively present on the public or media scene, both underestimated even by research and statistical arrangements and not regarded by either governmental bodies or NGOs because of their personal, financial and other capacities. Since the results of some sociological surveys, sexual harassment became a research topic only in last period; experience of this kind of violence seems to be quite obvious among all categories of Slovak women.

► **2005: Changes in institutional back up of trafficking in human beings** (trafficking and prostitution)

The Department for Combating Traffic in Persons and Sexual Exploitation was promoted to the position of the division. The promotion included a moderate increasing of the number of employees. The Division was titled the **Division for the Traffic in Persons, Sexual Exploitation and Victims Support** and their main duties were provisioned as:

- to detect crime associated with trafficking in persons, sexual exploitation, pimping, production and distribution of the child pornographic work and trafficking in children;
- to conduct analyses of criminal activity;
- to give methodological guidance and coordinate the activities of the departments for combating organized crime in the process of detecting crimes associated with trafficking in persons and sexual exploitation;

¹⁴⁷ Filadelfiová, Jarmila, and Zora Bútorová, 2006. Rovnosť žien a mužov/ Gender Equality. In Miroslav Kollár, Grigorij Mesežnikov, and Martin Bútor, ed., Slovensko 2006. Súhrnná správa o stave spoločnosti/ Slovakia 2006. Global Report on the State of Society. Bratislava: Inštitút pre verejné otázky, s. 696-697.

- to coordinate cooperation with foreign partner services in solving international organized crimes associated with trafficking in persons and sexual exploitation;
- to secure assistance to victims of trafficking and sexual exploitation.

In 2005, the Ministry of Interior appointed the **Expert Group for the Prevention and Assistance to Victims of Trafficking in Human Beings** as a cross-sectoral body consisting of representatives of law enforcement agencies, ministries, the governmental office, the office of the plenipotentiary for Roma issues, NGOs and IOM. One of the tasks of the Expert Group was to develop the National Action Plan for Combating Trafficking in Human Beings. At the governmental level, the **National Coordinator for Combating Trafficking in Human Beings** was appointed in order to coordinate the implementation of the National Action Plan.

► **2006: The National Action Plan for Combating Trafficking in Human Beings for 2006 – 2007**

The National Action Plan for Combating Trafficking in Human Beings was adopted by the Governmental Decision No. 3 of 2006 and it is considered as the principal policy document dealing with the issue. As such, it defines the international context, the commitments of the Slovak Republic on an international level, national framework for combating trafficking in human beings, both legislative and in the context of adopted gender equality policy documents and describes the current status of prevention, repression and victims' assistance. The National Action Plan defines key areas of intervention including organization and coordination, data collection and research, prevention and education, legislation and victims' assistance and support. Each area is elaborated into concrete measures of action.

The area of organization and coordination concentrates on cooperation of law enforcement agencies, state administration and NGOs in the following tasks:

- to develop mechanisms of coordination of activities combating trafficking in human beings;
- to develop a framework and mechanism for cooperation of police force, state agencies and NGOs in the area of prevention and victims' assistance;
- to prepare agreements on cooperation between the police force and NGOs and to define roles of the abovementioned parties in the area of prevention and victims' assistance;
- to monitor the fulfillment of the tasks assigned and to suggest further activities.

The data collection and research should focus on:

- development of a coordinated system of statistical data collection;
- support of research on trafficking in human beings, mapping of trends in development of the issue and setting up further strategies.

In the area of prevention and education the following tasks have been assigned:

- to include prevention of trafficking in human beings into the priorities of Strategy of crime prevention to be revised in 2006;

- to carry out awareness raising campaigns on trafficking in human beings;
- to develop systematic education of law enforcement and state agencies on communication and victims' assistance;
- to conduct systematic education of law enforcement and state agencies on communication and victims' assistance;
- to include trafficking in human beings into the education in secondary schools;
- to create methodologies for law enforcement agencies containing criteria and procedures in investigating crimes of trafficking in human beings.

The foreseen legislative measures include:

- harmonization of Slovak legislation with respective EU legislation;
- preparing of adoption and implementation of EU Council Framework Decision on combating trafficking in human beings;
- implementation of the Directive 2004/81/ES and preparation of regulations regarding legalization of sojourn of trafficked persons in the Slovak Republic;
- analysis of the issue of prostitution and proposition of its legislative framework.

In the area of victims' assistance and support the relevant actors should focus on:

- development of the model of victims' return and assistance to them in cooperation with all institutions involved;
- creation of sustainable financing of the model;
- development of international cooperation and information exchange in order to ensure effective investigation of perpetrators and victims of trafficking in human beings.

The main responsible institution for all abovementioned measures is the Ministry of Interior. The monitoring of the progress of the National Action Plan for Combating Trafficking in Human Beings is assigned to the National Coordinator for Combating Trafficking in Human Beings in cooperation with the Expert Group for the Prevention and Assistance to Victims of Trafficking in Human Beings.

Literature

SUBISSUE • Violence against women in intimate relationships (domestic violence)

Primary sources/ Legislation and secondary legislation

- ▶ Act No. 300 of 2005, Penall Code adopted on 20 May 2005.
- ▶ Act No. 301 of 2005, Code of Criminal Procedure, adopted on 24 May 2005.
- ▶ Act No. 99 of 1963, Code of Civil Procedure, as amended.

- ▶ Act No. 40 of 1964, Civil Code, as amended.
- ▶ Act No. 195 of 1998, Act on Social Assistance, as amended.
- ▶ Decision of the Government No 650 of 1997 adopted on 16 September 1997 on Adopting the National Action Plan for Women. (Length: 1 page.)
- ▶ Decision of the Government No. 1092 of 2004 adopted on 16 November 2004 on Adopting the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families. (Length: 1 page.)
- ▶ Decision of the Government No. 635 of 2005 adopted on 24 August 2005 on Adopting the National Action Plan for the Prevention and Elimination of Violence against Women. (Length: 1 page.)

Primary sources/ Documents

- ▶ National Action Plan for Women. (Length: 6 pages.)
- ▶ The Concept of Equal Opportunities for Men and Women. (Length: 12 pages without attachments.)
<http://www.employment.gov.sk/new/index.php?SMC=1&id=718>
- ▶ National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families. (Length: 16 pages without attachments.)
<http://www.employment.gov.sk/new/index.php?SMC=1&id=1470>
- ▶ National Action Plan for the Prevention and Elimination of Violence against Women. (Length: approximately 32 pages.)
<http://www.employment.gov.sk/new/index.php?SMC=1&id=1473> (Internet version)
- ▶ Second and third periodical report of the Slovak Republic on the application of the Convention on the Elimination of All Forms of Discrimination against Women (for the period of 1998 – 2006). (Length: 69 pages.)

Secondary resources

- ▶ Filadelfiová, Jarmila, and Zora Bútorová, 2006. Rovnosť žien a mužov/ Gender Equality in Slovakia. In Miroslav Kollár, Grigorij Mesežnikov, and Martin Bútorá, ed., Slovensko 2006. Súhrnná správa o stave spoločnosti/ Slovakia 2006. A Global Report on the State of Society. Bratislava: Inštitút verejných otázok, s. 696-697.
- ▶ Bútorová Zora, and Jarmila Filadelfiová, 2005. Násilie páchané na ženách ako problem verejnej politiky/ Violence against Women as a Public Policy Issue. Bratislava: Inštitút verejných otázok. (Length: 132 pages.)
- ▶ Filadelfiová, Jarmila, and Bernardína Bodnárová, 2004. Násilie páchané na ženách. In Slovensko 2004. Súhrnná správa o stave spoločnosti / Violence against Women in Global Report on the Society. Ed. Miroslav Kollár, and Grigorij Mesežnikov. Bratislava: Inštitút pre verejné otázky.

► Sopková, Eva, and Monika Grochová, 2000. Správa o situácii žien na Slovensku vypracovaná pre Medzinárodný helsinský výbor/ Report on the Status of Women in Slovakia for Helsinki Committee. (Length: approximately 45 pages).

<http://www.piatazena.sk/index1.htm>

► Sopková Eva, 1998. Konať proti násiliu páchanému na ženách – nevyhnutné kroky (návrh aktivít a opatrení pre SR)/ To act against Violence against Women – necessary steps. In: Aspekt, 1998, No. 3, Násilie páchané na ženách I.

► Mesochořitsová, Adriana. Vývoj problematiky násilia páchaného na ženách/ Development of the issue of violence against women. Internal document.

► Závěrečná správa o kampani Piata žena, 2002 a 2003 (autorka Oľga Pietruchová) / Final report about the campaign The Fifth Woman 2002-2003. www.piatazena.sk.

► Pripomienky k Národnej stratégii na elimináciu a prevenciu násilia páchaného na ženách a v rodinách/ Collective public citizen amendment to the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families. (Length: 4 pages.)

<http://www.esfem.sk/>

► Collective public citizen amendment to the National Action Plan for the Prevention and Elimination of Violence against Women. (Length: 4 pages.)

SUBISSUE • Sexual assault and rape

Primary sources/ Legislation and secondary legislation

► Act No. 300 of 2005, Penal Code adopted on 20 May 2005.

► Act No. 215/2006 on compensation to victims of violent crimes adopted on 15 March 2006.

► Decision of the Government No. 635 of 2005 adopted on 24 August 2005 on Adopting the National Action Plan for the Prevention and Elimination of Violence against Women. (Length: 1 page.)

Primary sources/ Documents

► National Action Plan for Women.

► The Concept of Equal Opportunities for Men and Women.

<http://www.employment.gov.sk/new/index.php?SMC=1&id=718>.

► National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families.

<http://www.employment.gov.sk/new/index.php?SMC=1&id=1470>

Secondary resources

► Bútorová Zora, and Jarmila Filadelfiová, 2005. Násilie páchané na ženách ako problem verejnej politiky/ Violence against Women as a Public Policy Issue. Bratislava: Inštitút verejných otázok. (Length: 132 pages.)

SUBISSUE • Trafficking in Human Beings and forced prostitution

Primary sources/ Legislation and secondary legislation

- ▶ Act No. 300 of 2005, Penal Code adopted on 20 May 2005.
- ▶ Act No. 403 of 2004, Act on European Arrest Warrant adopted on 24 June 2004.
- ▶ Ministerial order No. 138 of 2002 adopted on 1 June 2002. (Length: 1 page.)
- ▶ Decision of the Government No. 668 of 2005 on report of governmental activities combating trafficking in human beings adopted on 7 September 2005. (Length: 1 page.)
- ▶ Decision of the Government No. 3 of 2006 on the adoption of National Action Plan for Combating Trafficking in Human Beings for 2006 – 2007 adopted on 11 January 2006. (Length: 1 page.)

▶ **Primary sources/** Documents

- ▶ National Action Plan for Combating Trafficking in Human Beings for 2006 – 2007.
http://www.minv.sk/prevenca/index.php?id=pages/prevenca/mate_ozl (18 pages)
- ▶ Second and third periodical report of the Slovak Republic on the application of the Convention on the Elimination of All Forms of Discrimination against Women (for the period of 1998 – 2006).

Secondary resources

- ▶ Trafficking in Human Beings in Central Europe. 2005. Prague: La Strada.
http://www.strada.cz/download/files/publikace/trafficking_CE.pdf

SUBISSUE • Sexual harassment and stalking

Primary sources

- ▶ Act No 365 of 2004 on Equal Treatment in Some Fields and on Protection against Discrimination, as amended, adopted on 20 May 2004, in effect from 1 July 2004.

CONCLUSIONS

In relation to our research, it is good to highlight here that we are almost exclusively concerned in the public field of national relevance; many important activities on regional or local levels remain hidden because of the extensiveness of the issues and their quite complex nature.

GENDER POLICIES GENERAL

Main shifts:

- ▶ the creation of the The Coordination Committee for Women's Issues (Koordinačný výbor pre problematiku žien) – and its cancelling; in the history of Slovak institutional mechanisms, the Committee was the only inter-sectoral mechanism positioned on the governmental level, however the designed advisory character of the body excluded any decision-making competencies (1996 – 2001)
- ▶ the adoption of the Antidiscrimination Act (2004)
- ▶ pre-accession proceedings and, finally, accession of the Slovak Republic to the European Union in terms of the impact on the development of a gender agenda in the Slovak Republic

Main actors:

- ▶ NGOs
- ▶ EU
- ▶ Department of Family and Gender Policy at Ministry of Labour, Social Affairs and Family of the Slovak Republic, i.e. the unit responsible as the elaborator, submitter and the monitoring body of the majority of existing documents and legislative norms or provisions in the field
- ▶ Christian Democratic Movement, i.e. the political party functioning as the main opponent and obstructive subject in the political stage concerning a gender equality agenda

In Slovakia, the issue of equal opportunities for women and men did not become part of the policy agenda until the second half of the 1990s. The shift happened largely due to the international commitments that Slovakia had made, and to the country's accession to the EU. The impulse to focus on gender equality issues came after the World Conference on Women in Beijing. In 1996, the first gender equality body was established that participated together with the Ministry of Labour on the development of the first policy document regarding the issue – the National Action Plan for Women. However, the lack of knowledge and understanding of women's rights and gender equality issues was clearly visible from the wording of the document as well as the period discourse. In the second half of 1990s, the process of formation of women's organization started. Women's NGOs became important

actors in explaining gender equality principles, awareness raising and agenda setting. It can be concluded that women's initiatives became familiarized with international documents and EU policies in the area more rapidly than policy makers. As such, women's NGOs played an important role in adopting gender equality policies as a local counterpart to the external pressure of EU requirements and the *acquis communautaire*.

The EU accession process contributed greatly to the development of the gender equality agenda; the transposition of EU directives led to significant changes in Slovak legislation, namely the Labour Code, and lately to the adoption of the Anti-discrimination Act. While the pre-accession period was marked by significant changes in the formation of the gender equality agenda, these efforts faded after the EU accession. According to the specialists, the politicians often ignored the agenda. Moreover, a number of politicians began to openly oppose gender equality, especially leaders coming from a Christian background who had refrained from openly expressing their criticism during the accession phase to avoid complicating Slovakia's chances. In addition, dialogue with civil society seemed to slow down. The policy documents are prepared by state administration and only afterwards opened to public discussion. Such a proceeding negatively impacts on the role of the women's and feminist NGOs, forcing them into an "additionally correcting" role.

So far, gender equality and equality in general is not integrated into priority policy issues and is dealt with as a marginalized issue. The positioning of the institutional mechanisms has been mirroring this lack of interest. Relating to the development of gender equality policy in general, and the development of the three main issues covered by QUING, it is possible to highlight *three crucial findings*:

(1) Insufficient level of the instrumental support of the gender policies in all related areas – governmental, parliamentary, judicial, syndical, and others. This finding presents a common opinion of all experts – representatives of governmental (in connection to the gender agenda) and nongovernmental sectors, and academia as well. The lack of efficient institutional mechanisms is apparently visible in the fact that even legislative changes adopted during the last period are not implemented in practice and remain declaratory. The number of civil servants of the Department of Gender Policies and Equal Opportunities responsible (the solely Slovak gender mechanism, at the same time functioning only as a unit within the responsible Ministry) is insufficient. Moreover, for years its weak position within the hierarchical structure of the Ministry complicated any possible action of the Department. In 2007 the position of the department was for the first time promoted under the direct supervision of the Minister. Another important factor is a complete lack of gender budgeting and gender impact assessment in Slovak policy making.

(2) The tasks, recommendations or goals of gender policies remain articulated in a number of governmental documents formulated as "strategies", "concepts" or "action plans"; however, the continuation of the process in "reports", "evaluations" or public "analyses" on the practical implementation of the proclamations is missing. The documents are published neither on paper nor on the website, so the actors involved in the implementation of these policy documents are not publicly accountable. In addition, the monitoring system seems to be

formal and the non-fulfilment of allocated tasks does not have any consequences for the implementers.

(3) Firstly, the policy documents often lack sufficient expertise in their development (the case of National Action Plan for Women or current National Action Plan against Trafficking in Human Beings). Secondly, the policies prepared by experts have often become subjects of political negotiations and ideological interventions that have led to a lowering of their possible impact. The proposed solutions thus do not present a progressive development, but in many cases may lead to contradictory effects. , Thirdly, some of the issues of concern are fully disregarded by the decisive bodies.

As mentioned above, the distribution of political power played a crucial role in elaborating or adoption of the measures, documents or legislative proposals in the field. But political development in Slovakia, already from the first half of 90's until now, was so contradictory as well as rich in changes and inconsistencies that it is almost impossible to mark all, especially political or ideological motivations, impacts, actors and shifts in the process of the implementation and development of single measures relating to a gender agenda in the SR. The following case with its "dramatic" development illustrates the complexity of policy making in this country.

The Act on Equal Treatment in Some Fields and on Protection against Discrimination was adopted in May 2004 after a long-running discussion on the necessity of adopting an act of this kind. Two former attempts to adopt the Act in 2002 and 2003 were not successful. In 2002, the proposed law was rejected by the Parliament due to a cooperation of a coalition Christian Democratic Movement and an opposition Movement for a Democratic Slovakia. The second attempt in 2003 opened extensive public discussion on the subject; the law was reviewed by international experts, civil society organized a petition in support of the law and the governmental office responsible for the agenda prepared a public campaign promoting it. Nevertheless, the campaign was cancelled by the government itself after its short duration. Despite all the efforts, the proposal of the Anti-discrimination Act was again rejected on both the governmental and parliamentary levels. While the first articulated opposition to the adoption of the Act was based on a refusal of sexual minorities' rights, later, despite of persistence of intolerance towards sexual minorities, the discourse shifted to a more "technical" one. The Christian Democratic Movement present in the governing coalition of the period argued that anti-discrimination measures are sufficiently covered by the Constitution and the Labour Code and as such it requires slight amendments of the abovementioned. Other coalition partners, namely the Party of Hungarian Coalition whose representative was a deputy minister responsible for the agenda of human rights and the EU accession, maintained the position favorable for the adoption of the separate anti-discrimination legislation using the arguments of commitments towards the transposition of the EU legislation. In 2004, the proposal of the Anti-discrimination Act was several times amended until it reached the coalition consensus. Several political leaders (the Christian Democratic Movement and the Democratic Party) at that time openly expressed that the adoption of the Act was a result of the pressure from the side of the European Union without a specific local need to protect citizens against discrimination.

NON-EMPLOYMENT

Main shifts:

- ▶ the adoption of the Anti-discrimination Act (2004)
- ▶ the adoption and amendments of the Labour Code (2001, 2003, and 2007)
- ▶ the reform of the social and pension system (2002 – 2006), and the attempt to regulate and correct it during its running mandate (2006-2007)
- ▶ the reform (decentralization) of public administration and related transfer of competences to lower territorial and self-governing units (2002-2004)

Main actors:

- ▶ NGOs, especially “Citizen and Democracy” association, Union of Maternity Centres, and EsFem
- ▶ EU
- ▶ Department of Family and Gender Policy at Ministry of Labour, Social Affairs and Family of the Slovak Republic
- ▶ Government coalition during the period of reforms (2002 – 2006)

Main subissues:

- ▶ pay gap
- ▶ women in the labour market, work conditions
- ▶ horizontal and vertical segregation in the labour market
- ▶ reconciliation of work and family life (social assistance services, the lack of daycare facilities and services, double burden of women)
- ▶ reform of the pension system
- ▶ feminization of poverty (also relating to the feminization of ageing)

Besides politics, the changes triggered by the reforms from 2002 to 2006 affected especially the area of labour market. A number of changes have taken place in other areas as well, particularly in the field of social protection and social security; however, no detailed analyses or documents of their gender specific impacts have been published.

Between 2002 and 2004, the Parliament of the SR approved several essential reforms in the social sphere. Changes concerned, in particular, the system of social assistance and family policies, the reforms of the labour market and employment policies, as well as the reforms of the social insurance and the pension security systems, the latter being transformed into a pension insurance system (in effect from 1 January 2004) whereby it has become one of the subsystems of the social insurance system. The reforms have

been developed on the basis of the “*Strategy of supporting the growth in employment through changes to the social system and the labour market*” and were drawing on a philosophy of motivation for an active search for and retention of employment.

Basically, the varied subissues as part of the QUING „Non-employment issue” are covered by:

(a) Employment policy and – closely associated – the social policy of the state (concerning subissues like: *access to the labour market, equal pay or gender pay gap; partially tax-benefit policies; partially reconciliation of work and family life; partially care work and informal work*)

(b) Family policy of the state (concerning subissues like: *partially reconciliation of work and family life; partially care work and informal work; partially tax-benefit policies*)

Within the presented issue structuring, the category (a) includes the topic of *gender segregation on the labour market (horizontal/ vertical)* as a highly relevant theme. Within both categories (a) and (b), there appears a specific issue of *pension reform* in Slovakia (of high relevance as well, and with a hidden negative impact on equal opportunities of women and men).

In contrast, the issue of *care work and informal work* within policies in Slovakia remains largely neglected. The documents only state an absolute lack of essential services and institutional help for those citizens of the SR who care for a socially, health or otherwise dependent (disabled) family member. In the legally binding context, the issue is covered by several provisions of the Labour Code (in relation to the care for a family member, not however considering house keeping, domestic or unpaid work). This situation is, among other reasons, a result of the slow degradation of a social state in Slovakia that mirrors the reverse side of economic reforms. The NGOs focused especially on the elimination of structural injustice represented in Slovakia by women’s position in the labour market (paid work). Despite the questions connected with the labour market having an absolute priority (by the public as well as from the point of view of the gender agenda in the EU), in comparison with the Gender-based Violence or Intimate Citizenship issues NGOs have not been that active in this area and a lack of coordination of their activities is visible. Their (limited) capacities are mainly focused on the legislative steps, giving Comments or Public comments on the drafts of some new amendments (the Act on Family or the Labour code), usually prepared by the state administration with no involvement of civil society. Apart of that, there are a number of smaller NGOs operating in regions, attempting to help unemployed women, or women discriminated against in their workplace.

The area of the labour management relations remained appropriated for specialists from one (pro-reform, often politicized) or other (academically neutral) group. In the past many unpopular or questionable government measures with adverse impact on large groups of the population were done silently. By avoiding public discussion the countermeasures that should compensate the adverse situation – especially for women – remain absent. In the scope of the pension reform there was a media campaign organized by government, however the gender aspect was not reflected in official materials. Media are focused on

numerous “political” or “economic” causes and corruption affairs, whereby the systematic changes are presented as marginal and the wider knowledge of their conclusions within the population is often rare rather than being usual. Moreover, the (legal, systematic) changes during last 5 or 10 years have been so numerous it is almost impossible to follow them.

On one hand, the EU accession process of Slovakia led to the acceptance of the European doctrine of a social welfare state and the identification of state representatives with the human rights concept. On the other hand, the economic reforms and policies of the right-wing government disregarded their social impact. The transposition of the EU legislation created the basic framework; however, its fast adoption often lacked public discussion and public participation in the legislative process. This contradiction has affected the gender equality agenda as well as other issues. The most visibly marks could be tracked in the internal development of the “Non-employment issue”. The lack of transparency and explicitness in its general image led to insufficient understanding amongst the general public and even enabled contradictory interpretations.

According to the experts and NGOs, EU pressure greatly contributed to the adoption of the necessary legislative changes, but was not strong enough to compel them to embrace a complex approach towards gender equality. This is the main reason why many legislative changes in the field of equal opportunities for women and men remain on paper. The reform policies of the government between 2002 and 2006 almost completely ignored the elimination of gender inequalities in Slovak society.

Despite the abovementioned, the Government adopted a number of documents containing (in theory) measures to reduce the risk of poverty which becomes a special female “privilege” in the SR. Working with the European Commission and the Directorate General for Employment and Social Affairs, the Government elaborated the *Spoločné memorandum o inklúzii/ Joint Inclusion Memorandum* with the aim to prepare the country, upon its accession to the European Union, for full participation in the field of social inclusion.

The key problem in implementing women’s rights in Slovakia is not only the lack of modern legislative standards but especially the inadequate enforcement of existing laws. Women often do not report discrimination they face. This passivity has roots in the weak emancipation movement among Slovak women before the communist era and the negative experience with the so-called socialist emancipation enforced on women from above by the communist regime. Another important aspect is the high rate of unemployment and economic uncertainty in Slovakia, which discourages women from defending their rights and encourages some employers to disregard even the existing legal norms. Although three powerful legislative norms – the Constitution, the Anti-discrimination Act, and the Labour Code – guarantee the equal opportunities for women and men in the labour market, Slovakia has one of the highest gaps between the wages of men and women in the EU (only Cyprus scores worse and Estonia is at the same level),.

As the survey carried out in 2005 showed, women were particularly bothered by discrimination in remuneration and in the hiring and firing process. These issues were

followed by unsuitable working conditions and female unemployment. The second most urgent group of issues that women face is related to family and child care. A quarter of them criticized state social policy and care for families with children, the next “hot” topic was the double burden of women, criticizing particularly the lack of daycare facilities and services designed to relieve women of housekeeping chores. These are actually the subissues which also resonated in the documents adopted by the government. However, the political environment does not transform sufficiently a number of provisions from adopted acts and their amendments or declarative goals from the strategic documents into practical action. The enlarged position of Trade Unions and (not in all areas consistently) left wing policy of the new government which replaced the previous right-wing reform coalition promises some changes. None the less, the last steps of Slovak policy-makers such as aggravating of conditions for foreigners in Slovakia or omitting the so called Parents’ Amendment from the amending process of the Labour Code indicate that the process of implementation of gender policies will not be direct and the issue will not be re-positioned as a factual priority.

INTIMATE CITIZENSHIP

Main shifts:

- ▶ creation of the right-wing coalition (2002 – 2006) with 3 Catholic political parties, including the rigid Catholic Democratic Movement
- ▶ attacks of the Catholic Democratic Movement on the Abortion Act (continuous)
- ▶ signing and ratification of the *The Basic Treaty between the Slovak Republic and the Holy See*, and, afterwards, adoption of its supplements (respectively, in the case of the third supplement, the attempt of its adoption) as a negative impact on the scope of women rights in the field (2001, 2004)
- ▶ adoption of the Anti-discrimination Act (2004) and, afterwards, the widening of the competences for the Slovak National Centre for Human Rights
- ▶ repeated NGO campaigns towards sexual and reproductive rights as well as the steps and petitions towards the adoption of the Act on registered partnership of same sex couples

Main actors:

- ▶ NGOs, especially the Slovak Family Planning Association, Pro Choice association, *Citizen and Democracy* association, EsFem, Feminist educational and publishing project – ASPEKT, and others
- ▶ the unit in the MPSVR (Ministry), responsible
- ▶ the office of the Deputy Prime Minister for knowledge society, European affairs, human rights and minorities
- ▶ Slovak National Centre for Human Rights
- ▶ EU (especially in the field of anti-discrimination legislation)

► the political parties, with special emphasis on the Christian Democratic Movement as the main opponent of many of the conclusions (attainments) of the concept of human rights in the field, and the most obstructive subject in the political stage

Main subissues:

- Abortion Act
- reproductive rights and sexual rights, education towards parenthood
- registered partnership and sexual minorities
- anti-discrimination legislation
- treaties between Holy See and Slovak Republic
- forced sterilizations of Roma women in Slovakia
- gender stereotypes and their elimination, and the question of education towards human rights

Although reproductive rights belong to the main human rights in relation to the sexual and reproductive health of people (formulated, e.g., in the Program of Action of the UN International Conference on Population and Development – Cairo 1994), the Slovak Republic has not built them into its legislative system until now. On the contrary, the state widened a space for opposing activities - moves against reproductive rights coming from religions circles. It came so far that today, both experts and NGOs openly declare that, in relation to the Christian Democratic Movement – KDĽ, there are (more) efforts to infiltrate Catholicism as the only state doctrine into the Slovak environment.

The opposition to sexual and reproductive rights was (is) supported by the governmental structures as well as public policies of those subjects who – at the same time – co-decide(d) about the image of contemporary Slovakia and who, finally and paradoxically, participated on its accession to the European Union. This situation seems to be a good starting-point for the appearance of different kinds of institutional violence (legislative proceedings, institutional behaving, precedence on the field of international treaties, political intrusiveness). In order to prevent such activities, it is necessary to adopt clear national strategy on the field of sexual and reproductive rights and, continuously, take into effect relevant legislative measures. Instead of that, some NGOs and their activists functioning without any financial contribution from the state are forced to make a stand against various attacks on sexual and reproductive rights and their voice remains largely unheard, at least on the level of governmental policies. However, some small changes could be observed after the last parliamentary election in 2006.

No general public discussion was held in Slovakia about the fundamental issues of modern versus traditional family, forms of coexistence or cohabitation, and the adoption or upbringing of children. It was subsumed under more politically and socially contentious topics (abortions, registered partnerships, Roma issues, violence against women, etc.) or it constituted their – once concealed, other times revealed – horizon. A public discussion –

due to the activities of women's NGOs – started with the process of the amendment of the Family Act in 2005. Its content was, however, limited by the pragmatics of the piece of legislation.

The issue of registered partnership and equal human rights for sexual minorities is creeping into the public discourse in Slovakia very slowly. The current anti-discrimination legislation explicitly protects the citizens of Slovakia on the grounds of sexual orientation only in the narrow, limited area of labour relations. The legitimate requirements for equal treatment and equal rights with other citizens presented by their representatives on many occasions are still considered to be “above the standard”. The fact the political scene in Slovakia is not yet quite ready for the elimination of discrimination due to sexual orientation can be shown by the declarations of some members of the Slovak Parliament, ministers and other political figures, present in the media, such as: the pathologization of homosexuality; the attempts to restrain the employment of homosexuals in the schools; using defamatory language in public speeches and the like. Appeals to tolerance are rather rare. In the spectrum of political parties, most of them speak in explicit, discriminatory way against homosexuals (specifically and namely Kresťanskodemokratické hnutie (Christian Democratic Movement, KDH), but also some representatives of Slovenská národná strana (Slovak National Party, SNS), or else they refrain from this topic, even if there is a public discussion).

Forming of public policies in the field of reproductive health and right to abortion included the utilisation of legitimate means within the governance of public agenda and political arena, especially by KDH, but also other coalition parties (bringing up the “new” draft of Abortion Act, tabling and adoption of The Declaration of the NR SR of Sovereignty of the EU Member States in cultural and ethical issues, submitting and approval of the proposals of intergovernmental treaties – specifically with the Vatican, several motions submitted to the Constitutional Court of the Slovak Republic, threatening the breakdown of the ruling coalition and later, KDH leaving the coalition). No less significant was the mobilisation of the liberal part of civil society: the Možnosť voľby /Pro Choice campaign, establishment of the citizen association of several prominent NGOs under the same name, higher engagement in media, counselling and schools. On this issue, it is necessary to mention the initiation and activities of the civil association and professional interdisciplinary organisation (of physicians, nurses, lawyers, psychologists and teachers) called Spoločnosť pre plánované rodičovstvo (Slovak Family Planning Association (1991)). This group – in line with the recommendations of the United Nations and World Health Organization – focused on the advocacy of fundamental human rights in the sphere of sexual and reproductive health, parenthood education courses, assistance in emergency situations, especially to vulnerable groups of women, enhancing the level of quality in the field and the like.

The dangerous double track manner of sexual education was and is emphasised (schematically presented as religious vs ethical education). These efforts were aggravated after the 2nd amendment to the Basic Treaty between Slovak Republic and the Holy See was adopted in 2004. The non-governmental sector in partnership with some media and journalists is the only one that tries to inform and develop the public opinion in Slovakia in the area of sexual and reproductive rights, gender roles and identities or anti-discrimination agenda in a systematic way. The fact that individual NGOs join together in a form of a

platform, as well as in the organisation of common campaigns and petitions has become a reality enforced mainly by the passivity of government structures or such actions that contradict the European gender and anti-discriminatory agenda.

GENDER BASED VIOLENCE

Main shifts:

- ▶ the first awareness raising campaign the Fifth Women (2001-2002)
- ▶ significant changes in legislation in the area of violence against women (2002)
- ▶ the adoption of the National Strategy for Prevention and Elimination of Violence against Women and in Families (2004)
- ▶ opening of the issue of trafficking in human beings (2005)
- ▶ The National Action Plan for Combating Trafficking in Human Beings for 2006 – 2007

Main actors:

- ▶ women's NGOs, namely the platform The Fifth Woman
- ▶ the Department for Equal Opportunities and Anti-discrimination at MLASF (the responsible institution)
- ▶ The Police Headquarters
- ▶ international agencies – EU, U.S. Government, IOM

Main subissues:

- ▶ violence against women in intimate relationships (domestic violence)
- ▶ trafficking in human beings

The subissue of gender based violence illustrates the general attitude of Slovak governments towards gender equality agenda. Firstly, the only issues that marked a significant development were those in which internal (domestic violence) or external (trafficking in human beings) pressure appeared. The other issues where almost no pressure was put on the government remain at the level of setting the basic framework (mostly legislative) or were incorporated into a more general issue (sexual harassment is not explicitly mentioned in the legislation but intuitively covered by the broader term of harassment). Secondly, the subissue highlights the insufficient institutional structure for gender equality in general as well as for specific subissues. Although the institutional structures developed seem to reflect the cross-sectoral character of the topics dealt with and recognize the importance of NGO sector, their real functioning remains formal; the actors involved do not have a decision making mandate and additional capacity for working in committees and meetings of the bodies are rather sporadic. The government does not invest finances in the issues and this is reflected in the lack of research on the issue, gaps in service provision and the lack of a coordinated

approach of all actors involved. Campaigns against violence against women, research and publication on issues were carried out without any public support. Finally, the existing policies have, due to the insufficient institutional but also financial support, a rather declaratory character. Their monitoring is limited to data collection on progress and not on assessing that progress. In addition, no sanctions are applied for non-fulfilment.

Although the development of gender based violence was not marked by such a significant ideological influence or controversies in public discussion as other issues, attempts to deny the gender based character of violence appeared. This was clearly visible in the process of the adoption of the National Strategy for Prevention and Elimination of Violence against Women and in Families. Despite many objections from the side of experts, the government refused to redefine the strategy in order to focus solely on the issue of violence against women and insisted on its combination with other forms of violence in families. The leaders of the MLASF (representatives of the Democratic Party) even claimed that the wording of the Strategy proposal was too “gender oriented” and demanded a more “social” approach due to which the proposed measures in intervention as well as prevention lacked the direct target. In addition, the public comments proposed by NGOs or experts were often neglected in the development of policies and legislation despite the commitments to cooperate with civic society presented in policy documents.

The relatively high standard of legislation is not reflected in its implementation, mainly due to the lack of education and expertise of law enforcement agencies, courts, legal and social and health professionals. The approach of the mentioned professional groups is still based more on several myths on gender based violence rather than on real understanding of the position of victims, dynamics of violence and its root causes. This fact, in combination with the lack of services for victims makes their position vulnerable and complicates their access to justice.

In spite of abovementioned critique, the development of the subissue of gender based violence showed some significant positive changes in last five years. Several legislative changes in favor of victims of gender based violence as well as national action plans were adopted. The development shows the importance of constant pressure on the government, the importance of international structures and commitments of the Slovak Republic being a part of it (the significant impact of the Palermo protocol on the development of the issue of trafficking) and the role of the NGO sector in agenda setting (violence in intimate relationships). The lack of NGOs dealing with the issue of trafficking or sexual violence proved to be a missing link between the real situation and policy making.

Similar to the other subissues of the report, it was shown that the EU can have a significant impact on changing national policies. However, without a clear commitment and priority definition from the national side the situation in the area of equal opportunities will remain “on the road”. Real change in the situation can happen if Slovak society and its elected representatives admit that there are real problems in various forms of inequality.