



Quality in Gender+ Equality Policies

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Report Analysing Intersectionality in Gender Equality Policies for Slovakia and the EU

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1. Introduction

In the present report, we will try to analyse and assess the implications of the intersections of multiple inequalities for the quality of gender+ equality policies in Slovakia. For this purpose, we will try to answer the following research questions within the QUING STRIQ part:

- How are inequalities and their intersections conceptualized in terms of their structure and mechanisms?
- To what extent does context matter in the (re)production of inequalities across Europe?
- What attention must be paid to other structural (in)equalities in the making and implementing of European gender equality policies in the Slovak context?

In order to address these questions, we will consider the range of meanings or frames of gender equality, the range of forms and meanings or frames of intersectionality, and the implications of intersectionality of gender with other inequalities, such as ethnicity/race, class, sexuality, religion or belief, age, disability, marital status and citizenship/nationality/migrant status for gender equality in Slovakia.

The STRIQ report consists of five major chapters: first, literature review identifies the theoretical and policy literature and debates that the report is drawing on; second, the chapter on the range of meanings or frames concerning gender equality in gender+ equality policies provides a brief account of the gender+ equality policies that have been discussed in Slovakia both on general level of gender equality and in three QUING thematic issues (i.e. non-employment, intimate citizenship and gender based violence); third, the chapter on the range of intersecting inequalities addresses the question as to the significance of intersecting inequalities on the development of different kinds of gender equality policies in Slovakia; fourth chapter assesses the implications of different versions of intersectionality for the meaning and practice of gender+ equality in Slovakia in all four QUING's topics; and fifth, the last chapter identifies changes and the relevance of different forms of intersectionality in Slovakia in all four QUING topics.

2. Literature review

This report draws on the STRIQ review of intersectionality D13,¹ some of the most relevant references tackling the issue of intersectionality (for example, Crenshaw 1991, Anthias and Yuval-Davis 1992, Fredman 2005, Verloo 2006, Squires 2008 etc.), state-of-the-art report on the literature for Slovakia, and the discussions in the STRIQ workshops in Vienna (11-12 April 2008).

As Sylvia Walby (2007) notes, although the concept of “intersectionality” aiming to address the multiple forms of inequality is relatively recent, the issue itself is not new and has previously been labelled in different ways (for example, “dual systems”). Furthermore, even today there is a whole range of terms being used trying to grasp the phenomenon of intersectionality, such as “double burden” or “multiple” discrimination and disadvantage (Fredman 2005) or as “mutually constitutive” (see Walby 2007). Although overlapping to a certain extent, the main difference between these two approaches is that the “double burden” approach is concerned primarily with practical aspects of intersectionality, such as the application of anti-discrimination law in cases where two or more axis of inequalities result in “qualitatively different or synergistic” (Fredman 2005: 13) forms of discrimination, whereas the approach concerned primarily with the “mutual constitution” of different axis of inequalities is engaged with the theorisation with “the ontological depth of each set of social relations” (Walby 2007: 13) resulting in a whole range of inequality structures, i.e. gender, ethnicity/race, class,

¹ Sylvia Walby (2007), “A review of theory and methodology for the analysis of the implications of intersectionality for gender equality policies in the EU”. Report for the QUING project.

sexuality, disability, age, religion or belief etc. The latter approach is contingent with Kimberlé Crenshaw's (1991) "structural intersectionality", which occurs when the convergence of different structures of domination (i.e. of gender, class, race/ethnicity, age, sexuality, religion or belief etc.) produces a new experience of a group of people. In other words, structural intersectionality deals with the social reality and tries to grasp the complexity of how the social world is constructed. Thus, Anthias and Yuval-Davis (1992) speak about an "intersection of subordinations", and Mieke Verloo posits a model for the analysis of "four social categories strongly connected to inequalities: gender, race or ethnicity, sexual orientation and class (2006: 216).

Needless to say, both of these approaches are relevant for the QUING's commitments in the STRIQ part (see introduction). The issue of the application of anti-discrimination laws in cases of double or multiple discrimination is related to the accommodation of individuals and groups of people experiencing such discrimination, and consequently, to the major debate in the EU "whether diverse inequalities should be tackled via single equalities laws and integrated equality institutions, or whether there are specific causes and features of different forms of inequality requiring separate equality laws and distinct equality institutions" (Squires 2008: 53; see Walby 2007: 20ff). In a way, we can say that the growing recognition of specific experiences between women in different parts of the world and in different social situations has led to the articulation of the strategy advocating a single equality body that would address more adequately "not only single strand issues, but also general equality issues and intersectional or multiple discrimination issues" (Squires 2008: 54-55). On the other hand, the theoretical approach concerned with the mutual constitution mainly of gender and other axes of inequality (race/ethnicity, class, sexuality, age, religion etc.) provides the interpretations of these intersections' conceptualisations in terms of their structures and mechanisms both at the EU level and at the level of individual EU members and candidate countries.

In addition to structural intersectionality, Crenshaw (1991) uses "political intersectionality" and "representational intersectionality". Political intersectionality indicates how the intersections are relevant to political strategies, particularly when the subordinated groups pursue conflicting agendas. In the examined case of violence against women of colour, Crenshaw points to a difficult political dilemma for women of colour, which occurred due to sometimes opposing antiracist and feminist strategies. Namely, the adoption of either antiracist strategy, determined by racism as experienced by men of colour, or of feminist / women's movement strategy, determined by sexism as experienced by white women, reinforces an intersectional political disempowerment of women of colour. According to Sylvia Walby, the issue of political intersectionality is relevant for the QUING project as well, because QUING's main "focus is that of actors at the points of intersection of gender and other forms of inequality" (2007: 17). As regards representational intersectionality (Crenshaw 1991), it additionally complicates the political dilemma of intersectionalised groups due to the cultural images attached to them (for example, the social and cultural devaluation of women of colour), which largely frame the processes of subordinations and of categorisation. Although not explicitly identified in QUING, the representational aspects of the analysis of intersectionality in gender equality policies in the EU and in the context of each country (for example, by using specific intersectionalised categories and/or by assigning special meanings to them), will play a significant role in the process of categorization. In other words, QUING will actively intervene in the strategies of identity politics, and therefore, it should provide some sort of self-reflection on how it might contribute to the (re)enforcement of new forms of social dominations and subordinations.

In its literature review, QUING's state-of-the-art report for Slovakia² does not tackle or theorise the issue of intersectionality as such, however, it brings forward the sources that implicitly deal with various intersectionalities in the Slovak context. Thus, although there are no sources in general gender equality addressing the intersectionality of gender with other inequalities, there are a significant

² Stanislava Repar (2007): "Deliverable no. 8: LARG – state of the art and mapping competences report: Slovak Republic".

number of sources addressing intersections of gender with other inequalities within three QUING's issues, i.e. within non-employment, intimate citizenship and – although less frequently – gender based violence.

In non-employment, the most frequent intersection is that of gender with age (see Filadelfiová 2007, Pietruchová 2003, Hess 2000/2001, Bačová and Mikulášková 2000), whereby both the situation of elderly women and of the younger population is being considered. For instance, the study of Filadelfiová (2007) aims to describe the work and life of women over 45 years, and to identify the specific combinations of gender and age stereotypes in the various social environments in Slovakia. Further, also intersections of gender and class (see Kika 2004) and of gender and family status (see Marošiová and Šumšalová 2006, Bednárík and Reuterová 2001) are present in non-employment.

In intimate citizenship, intersections of gender with sexuality (see Jójárt 2007, Daučíková and Adámková 2004, Jójárt and Šípošová 2004) and of gender and ethnicity (see Poláková 2005, Zampas et al 2003, Bolfíková 2002) are equally represented. Thus, sources addressing gender and sexuality deal with a wider spectrum of issues, such as lesbian, gay, bisexual and transgender (LGBT) activism and movement, and with discrimination against LGBT people in Slovakia. On the other hand, sources addressing gender and ethnicity are focused exclusively on Roma women, particularly in relation to reproductive health and rights of Roma women. For instance, the study of Zampas et al (2003) is one of rare texts dealing with the issue of violations of Roma women reproductive rights, particularly in the form of coerced sterilisation, i.e. the issue that provoked a heated public debate in Slovakia (for more see ch. 5.3).

In gender based violence, only intersections of gender with ethnicity, and of gender with migrant status are present (see Jurásková 2005, Farkašová et al 2004). Furthermore, these intersections occur solely in the sub-issue of trafficking, where the problem of trafficking of Roma women from Slovakia dominates. Thus, the report of Farkašová et al (2004) defines the intersectionalised gendered groups as “the risk groups” that primarily encompass Roma women, female asylum seekers and female foreigners without legal residence in Slovakia.

As seen from the literature review in the Slovak context, the main intersectionality issue in Slovakia has emerged around the axis gender-ethnicity, more precisely in relation to the multiple discrimination or disadvantage of Roma women. This specific inequality axis in the Slovak context is the most common both in policy and civil society texts, and therefore, in the STRIQ report we will try to analyse and assess the implications of the intersectional experiences of Roma women of multiple inequalities for the quality of gender+ equality policies in Slovakia. A conflation of ethnicity and socio-economic disadvantage (i.e. class) in relation to Roma population must be highlighted, because the discursive practices used in the Slovak context refer to Roma minority by using both inequality axes, i.e. ethnicity and class (see more in ch. 4). The intersectionality axes of gender-age, gender-sexuality, gender-family status, are also emerging in the Slovak context, and therefore, they will be addressed in the present report as well. Similarly as in the case of Roma women, this report will address the possible implications of the intersectional experiences of LGBT persons, older and retired women, employed parents (men and women) etc. for the quality of gender+ equality policies in Slovakia. More precisely, the following questions dealing with the issue of intersectionality will be addressed in relation to QUING's (sub)issues in the Slovak context:

- What are the main inequalities intersecting with gender in Slovakia?
- What are the most 'visible' intersections within the QUING's issues in Slovakia?
- How does intersectionality work in civil society organisations in Slovakia?
- What is the range of terms used by Slovak actors that might indicate intersectionality?
- What inequalities, are mentioned as having an impact on gender equality, or as being a part of gender+ equality in the Slovak context?

- Is intersectionality central or marginal to the policy?
- Is there a tendency for intersectionality to be present in particular types of Slovak documents?
- In Slovakia, is intersectionality forced onto the agenda by civil society groups or by state actors?
- Is the equalities legislation consistent with the equalities machinery (e.g. separate legislation for each strand, separate equality bodies, or integrated legislation, integrated equality body) in Slovakia?
- Which categories does the Slovak gender / equality machinery take into account?
- Does / to what extent does a focus on equalities other than gender produce a detriment to the development of the gender+ equality policy in the Slovak context?
- How do the definitions and practice of gender equality and of intersectionality relate in the Slovak context?
- Is intersectionality a source of controversy and debate in gender+ equalities policies in the Slovak context or not?
- Are there significant 'turning points' that appear to influence the treatment of intersectionality in gender equality policies in the Slovak context?
- Has intersectionality become generally more present in Slovakia over the years?
- Have there been changes in the structure of the equalities machinery to take into account multiple inequalities and intersectionality in Slovakia?

3. The range of meanings or frames concerning gender equality in gender + equality policies

The general framework for compliance of gender equality principles 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.³ The antidiscrimination principles are further developed in the Labour Code (2001) and mainly in the Antidiscrimination Act, in effect from 2004. There is no specific gender equality law in Slovakia; the issue falls under the broader scope of antidiscrimination and equal opportunities legislation. The existing legislation in theory guarantees equal rights and protection against discrimination. However, implementation in practice is lacking, as can be proved by various statistical data on the pay gap, gender segregation at the workplace or low representation of women in decision making positions.

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 nowadays the principal document setting up a framework for gender equality. Although the Concept identifies 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. However, it has yet not been adopted.

The lack of a gender mainstreaming approach is visible through the fact that policies directly related to gender equality, such as the Slovak National Reform Programme does not reflect a gender dimension. Further, gender equality is confined to separate policies on general gender equality (the Concept), gender based violence (the National Action Plan against Violence against Women) and to a certain extent in reproductive health issues (the National Program of Protection of Reproductive Health in the Slovak Republic) related to intimate citizenship. As a result, gender equality is rather invisible in some issues, mainly in non-employment and family policies despite the fact that both of them are included in the general understanding of gender equality.

³ 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.

The meaning of gender equality in Slovakia covers issues related to equal treatment at the workplace, equal status of women in society, gender based violence and to lower extent equal division of family responsibilities and equal access to reproductive health services, including abortion. The range of frames concerning gender equality varies from issue to issue, however the predominant frames are human/women's rights, democracy and equal opportunities and non-discrimination; economic development is present less significantly. In the issue of gender based violence, the justice and crime frame appears, in intimate citizenship new frames of health and wellbeing are present.

3.1. The range of meanings or frames of gender equality in general legislation and machinery

The main voice promoting gender equality in Slovakia has always come from the civil society sector. Women's organisations introduced and were always consistently using the terms gender equality and gender. Together with the European Union meaning of gender equality, they were the two main forces of shaping the understanding of the concept in the country. The understanding has shifted from a sole focus on the status of women to a broader meaning. However, some gaps in understanding and more importantly in real policy actions remain.

The development of the terminology and meaning of gender equality in Slovakia is clearly visible from the names and titles of policy documents and respective institutional mechanism. While in the nineties, the understanding was focused mainly on the status of women in society, as is apparent from the name of the first gender equality strategy – the National Action Plan for Women and the first institutional mechanism - The Coordination Committee for Women's Issues, in the EU accession process the terminology shifted more towards a European discourse. The concepts of equal treatment and non-discrimination were introduced to Slovak Legislation (Labour Code in 2001). These two concepts are still predominantly used in the legislative context. Although the Concept of Equal Opportunities for Men and Women, adopted in 2001, mainly uses the terminology of "equal opportunities", it sporadically uses the term "gender equality". The "equal opportunity" terminology was echoed by the naming of several subsequent institutional mechanisms from that period – a department at the Ministry of Labour, Social Affairs and Family. The name of the most recent institutional mechanism – the Governmental Council for Gender Equality suggests that "gender equality" became a definitely established concept and name in Slovakia. This concept is preferred by the statute of the Council, although "equal opportunities" is also, present, however more rarely.

"Gender equality" is defined as follows: "Gender equality means that different behaviour, aspirations and needs of women and men are equally preferred and taking into account. The goal of gender equality in all areas of life is not a levelling but rather elimination of unimportant inequalities caused by being of a certain gender."⁴ This fact is further strengthened by the statement that both genders – male and female, are equal and equally important for the functioning and the development of a society. Both genders have a legitimate right to participate in and benefit from it. As such, the definition refers to both genders; however, it is not always clear whether it refers to a biological or a social meaning. The main areas of the gender equality agenda⁵ are equality in employment and family and participation of women in public and political life. The area of equality at the work place consists of obvious issues such as equal pay for work of equal value, promotion of women to decision making

⁴ Proposal for the establishment of the Governmental Council for Gender Equality:
<http://www.rokovania.sk/Apppl/material.nsf/0/28BE50C78E088294C12573680035DF93?OpenDocument> (translated by Zuzana Očenášová)

⁵ As the statute of the Council consists of only one explanatory page and the rest is focusing on technicalities, further development of defining understanding of gender equality is taken from the Concept of Equal Opportunities for Men and Women that defines gender equality in a similar and thus consistent way.

positions, promotion of reconciliation of work and family life measures and equality in pension systems. Equality in family targets mainly domestic violence, sexual harassment and trafficking in women that consequently became part of the gender equality agenda. One measure is also explicitly referring to sexual and reproductive rights. The area of participation of women in private and public life is basically reflecting the reconciliation agenda.

Despite the fact that definition of gender equality stipulates that it concerns both genders, women remain the main group in focus and men are implicitly understood as a norm group (especially in the area of employment and public and political life). Men are mentioned only in two cases – equality with regard to pension age and allowances related to retirement and widowhood and in strengthening male role in family and household responsibilities. To a certain extent, gender implicitly refers to social relations, mainly persisting gender stereotypes and traditional division of female and male roles. Although the meaning of gender equality comprises areas of domestic violence or sexual harassment, power structures of gender inequality are completely omitted from its description.

The main target group is apparently women, in several cases categorised into subgroups such as women in employment, mothers, pregnant women, women approaching retirement age. On the contrary, men as a target group are never categorised (with the exception of widowers). The second most frequent target groups are population in general or citizens. These groups are referred to mainly with regard to the elimination of gender stereotypes and gender based violence or as a target for the promotion of gender equality itself. The last target groups consist of representative of public administration and law enforcement agencies (with regard to education on gender equality and gender based violence) and employers (as a target of family friendly employer's competition). On the contrary, responsible actors are composed mainly by public administration bodies, specifically ministries (the most frequent is the Ministry of Labour, Social Affairs and Family, followed by the ministries of interior, justice and education), other public bodies such as the Statistical Office, ombudsman and regional public offices. The significant responsibilities were assigned to trade unions and employers' association, mainly related to equality in employment and the reconciliation of work and family life. As it is obvious from the list of responsible actors, the main domains of solutions are concentrated in the polity and the policy domains.

The main principles underling gender equality in Slovakia are constitutionality (reference to equality as one of the principles of the Slovak Constitution), gender mainstreaming (however, so far it has remained only on a declaratory level) and democracy (referring to the human rights framework and equal participation of both genders in development of a society mentioned in the definition). Despite the strengthening of the human rights and democracy frames in gender equality policies, the economic development argument in terms of full use of the population's potential is present as well. As a result, gender equality is presented as a mean to "build the democratic state, and equally, as one of the opportunities to use human potential to a maximum extent in rejuvenating the economy".⁶ The formation of gender equality policies in a transformation period of Slovakia from a socialist regime to a democratic society had an impact on framing gender equality and equality in general as a sign of a "developed country" which is clearly visible in numerous references to international documents such as CEDAW, Beijing Platform for Action, EU other European countries examples. The EU policies and obligations during the accession period strongly affected gender equality and equality agenda at least in policy formulation. Although the EU pressure significantly contributed to the formal implementation of the issue, it did not lead to internalization of these norms into Slovak society and policy making. Thus gender equality policies have remained on a formal level providing existing framework for actions but were never considered a priority to deal with and to implement it in practice. Therefore, their implementation is still lacking behind despite some positive steps in recent past such as creation of a

⁶ The Concept of Equal Opportunities for Men and Women:
<http://www.employment.gov.sk/new/index.php?SMC=1&id=718>

new institutional mechanism specialised on gender equality and promotion of gender mainstreaming approach.

For the last decade, the only ministry responsible for the gender equality agenda was the Ministry of Labour, Social Affairs and Family, thus on a policy level it remained the main institutional voice creating the agenda. The Ministry was obviously focusing on gender equality in general and on issues of non-employment. In addition, this Ministry was the one pursuing the issue of gender based violence and was the author of the National Action Plan Against Violence Against Women despite the fact that its realisation is under the direct competence of the Ministry of Interior. The abovementioned situation reflects the fact that the only institutional mechanism within the government was situated under the Ministry of Labour, Social Affairs and Family. However, the position of the department was rather low in the institutional hierarchy and its initiatives were directly dependent on the attitudes towards gender equality of the respective minister. As a result, the activities of the department and their impact varied over those ten years. Recently, the Ministry proposed to establish an inter-sectoral body – the Governmental Council for Gender Equality. Although the main role to draft gender equality policies remains even after the creation of the Council within the administration of the Ministry, the Council's role is to approve policies and to mainstream gender into other sectors' policies and their implementation.

Due to the insufficient institutional back-up of gender equality, the main voice promoting and demanding it is the civil society sector, mainly women's NGOs. These NGOs developed significant expertise in the issue and carried out several researches including policy recommendation for future actions and realise numerous activities to bring them into practice. This expertise has often served as a resource for formulating policies (e.g. framing of IC EQUAL measures or creation of the National Action Plan Against Violence Against Women). Unfortunately, NGO activities were often reported in implementation reports of state agencies although these did not contribute to their realisation financially or by other means. The meaning of gender equality as understood by women's NGOs is broader than the one presented by state administration officials. Framing of gender equality is based on women's rights and feminist discourse. Gender equality, similar to the official meanings, encompasses general gender equality, gender based violence and equality in employment, family and political and public life. In addition, NGOs pay more attention to issues connected to reproductive rights, gender stereotypes, free education and in general present a gender mainstreaming approach towards all areas of social and private life. According to NGOs' point of view, gender inequality is structurally rooted in a society and as such can be eliminated only by systematic approaches targeting all issues, societal structures and areas affecting the status of women. Contrary to official understandings of gender equality, women's NGOs are consistently using the gender-sex division when referring to gender. Femininity or masculinity are accidentally confused in official texts where it refers rather to women and men.

The meaning of gender equality has significantly improved in Slovakia and it covers the most important areas affecting existing inequality in society. However, certain inconsistencies between definition and policy measures still persist. As the definition covers all areas of life and the issue is mainly represented in frames of human rights and democracy, policy measures should focus on a more complex mainstreaming approach that would systematically tackle the structural character of inequality. Although gender mainstreaming is presented as one of the main principles of policy making, so far it has had only a declaratory character without real transformation into formulation of policy measures and their implementation.

3.2. The range of meanings or frames of gender equality in non-employment

The issue of non-employment is mostly covered by legislation concerning equal treatment and antidiscrimination - The Act on Equal Treatment in Some Fields and on Protection Against Discrimination (hereafter Antidiscrimination Act) and the Labour Code. Some issues are included in laws dealing with social and family policy, mainly pensions, the social benefit system and the tax system. The Antidiscrimination Act prohibits discrimination in employment and other related relations and social security, healthcare, provision of goods and services and in education on several grounds including gender.⁷ Equal treatment in the labour area is further specified in the Labour Code stipulating equal treatment in all stages of employment - access to employment, working conditions and dismissal and contains special provision on equal pay for work of equal value. Further, it regulates protection of pregnant women and maternal and parental leave.

Family allowances have two forms - one child and one parental allowance. A child allowance is paid per every dependent child until the completion of compulsory education but not longer than until he/she reaches 25 years of age. It is paid regardless of family income. A parental allowance is paid to a parent or foster caregiver taking care of a child under age 4 or under age 7 if the child has special health care needs. Within the tax system, two instruments take into consideration the family status of a taxpayer – tax benefit and tax bonus. In case of tax benefit, the fixed part of the tax base that is exempted from income tax is extended if a spouse with no or low income lives with the taxpayer in the same household. Working parents may also receive a tax bonus if a child is living in the same household as a taxpayer. The gender of a taxpayer does not influence the possibility to claim tax bonus or tax benefit in any way. The only exception is while determining the order of taxpayers, if both fulfil the conditions for claiming tax bonus and if they did not achieve an agreement in this matter, here the mother takes priority over the father or over other entitled person.

In general, legislative provisions covering non-employment issue are by nature de-gendered with the exception of those concerning pregnancy and maternity leave. Main norms framing the issue are equality, social solidarity, family protection, economic development and efficiency; gender equality is not taking into special consideration only as a part of equality in general. Moreover, the two conceptual documents dealing with the issue - The Slovak National Reform Programme and Proposal on Measures furthering the Reconciliation of Work and Family Life for 2006, with a perspective until 2010 – pay only marginal attention to gender equality.

The Slovak National Reform Programme (NRP) does not include gender mainstreaming at all. In fact, the term “gender” is explicitly mentioned only once in the whole document. All chapters are gender neutral, even the chapter on employment that mentions only parents after parental leave. Women are explicitly mentioned solely in the chapter on demography: mothers of children up to 12 years of age as one of the groups with low employment rate. The employment rate of this group became the only gender specific indicator of the Slovak NRP. Gender equality is implicitly referred to in the section on “harmonization of family and work life” that is proposed in order to improve the fertility rate and the employment rate of mothers. Similarly, the proposed measures tackling gender equality in actions concerning improvement of child care, elderly care and care of persons dependent on care. The only explicit gender measure is focusing on increasing the participation of women in the labour market and the reduction of gender differences in employment, unemployment and wages. The employment rate of women in Slovakia is not progressing, there is significant horizontal and vertical segregation and the long term female unemployment is growing, yet the NRP does not present any gender analysis of employment policies or the linkages with gender pay gap. Moreover, the NRP does not include any equal pay policies.

⁷ 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.

Similarly, the Proposal on Measures furthering the Reconciliation of Work and Family Life refers to gender equality only in relation with a use of the European Structural Funds and in a measure focusing on greater inter-sectoral cooperation between the Ministry of Labour, Social Affairs and Family, trade unions and the Slovak National Centre for Human Rights (national equality machinery). Although the document admits that mainly women are responsible for family tasks and that work-family balance has higher impact on them than on men, it prefers to use de-gendered terms such as “persons with family responsibilities” or parents and employers. Gender specific names such as mothers, fathers or women and men in relation to parental leave occur rarely. In addition, frames for work-family reconciliation measures do not include gender equality or equality as such (only when referring to discrimination of persons with family responsibilities in employment). The framework for developing the issue focuses more on economic development (increase of employment rates), demography and pro-family policies.

Due to the abovementioned de-gendered character of policy instruments regulating non-employment issues, the only policy taking a gender dimension into account in the area is the general gender equality policy document – the Concept of Equal Opportunities for Men and Women. Although it stipulates a gender mainstreaming approach, it is clearly visible that it was not incorporated into Slovak policy making and is not consistent even within the same ministry – the Ministry of Labour, Social Relations and Family that drafted gender equality policy and is at the same time responsible for the majority of the non-employment issues. The Concept of Equal Opportunities for Men and Women defines several areas related to non-employment, namely gender pay gap, equal treatment of women and men in employment, promotion of women to decision making positions, discrimination of women at workplace due to their maternity role, reconciliation of work and family life, flexible working arrangements, protection of pregnant women and women who gave birth and equality in pension system.⁸

Other actors that may possibly influence the development of non-employment policies and their implementation remain rather silent. Trade unions pay only marginal attention to gender equality.. Generally, a gender equality dimension is rather marginal on the bargaining agenda and collective bargaining agreements are mostly gender neutral. According to the survey on gender equality in collective bargaining⁹, trade unions representatives admit their responsibility in the area but they do not perceive gender equality as their main priority and if it appears, it is connected with antidiscrimination provisions in collective bargaining agreements or with some measures concerning reconciliation of work and family life. Trade unions’ representatives argued that gender equality is sufficiently guaranteed by Slovak legislation and a majority of them claimed that discrimination against women is non-existent in their areas of functioning (which is in sharp contrast with other surveys). In explaining their low engagement with gender equality they stated that there are other, more burning priorities such as remuneration and there is no pressure from the side of employees or women to promote gender equality further on the agenda.¹⁰

Civil society organisations, represented by women’s NGOs and by some think-tanks, constantly monitor the non-employment issues but they focus more on the diagnosis of the issues, although they do propose policy measures as well. Nevertheless, they are not actively involved in the policy making

⁸ In 2004 the Pension reform was adopted in Slovakia. An important part of the reform was a rise of pension age to 62 years for both genders. Initial pension age was 60 years for men and 53-57 for women (depending on the number of children). The rise of pension age is being done gradually at rate of 9 months a year until it will reach the level of 62 years.

⁹ Čambalíková, Monika. 2006. Rovnosť a zosúladovanie v kolektívnom vyjednávaní a zmluve/Equality and Reconciliation in Collective Bargaining and Agreement in Slovensko na ceste k rodovej rovnosti/Slovakia on the road to Gender Equality. Bratislava: European Roma Employment Agency and Institute for Sociology of Slovak Academy of Science.

¹⁰ Ibid.

process and if so, their proposals are often rejected. This was the case of a public comment proposed to the amendment of the Labour Code demanding clearer and more efficient regulations of flexible working arrangements and a shift in terminology with regard to maternity and parental leave. In general, NGOs are using a frame of gender equality and human/women's rights for framing the issues which stands in contrast to the de-gendered approach of the government. Nevertheless, if they enter the policy making discourse by commenting on proposed legislation or policies, they are often forced to use an official de-gendered discourse. Therefore the wording of public comments and research and reports published may oppose each other with regard to the embracement of the gender dimension of targeted groups.

The area of non-employment is the most de-gendered issue despite its close relation to gender equality. Although the main area applying to the issue is equal opportunities, gender is included but without specific accent. A specific gender aspect is missing in the area of family policies, as well. The invisibility of gender equality in non-employment is caused by several factors. Firstly, a gender mainstreaming approach is not incorporated into Slovak policy making that is clearly visible from the fact that gender dimension of non-employment issues is dealt with in separate gender equality policies but even measures proposed in it were not incorporated to other related policy documents such as NRP. Secondly, family policies in Slovakia remain fragmented and separated in several laws and complex family policy is still missing. Thirdly, usage of gender neutral terms in the area of reconciliation of work and family life may be a sign of an effort not to maintain traditional gender divisions and stereotypes. To a certain extent this hypothesis may be confirmed by using gender segregated statistics and acknowledgement of higher importance of work-life balance for women. Nevertheless, lack of gender equality in norms recognised by the document, lack of gender specific measures and no promotion of greater involvement of men in family responsibilities prove the inconsistency of understanding of gender equality and its persistent limitation solely to the status of women although family policies and reconciliation are the two areas that concern men the most.

3.3. The range of the meanings or frames of gender equality in intimate citizenship

All issues related to intimate citizenship were formed around the ethical/moral and cultural dimensions as they clash between liberal and conservative thinking. In Slovakia, issues relating to privacy and arrangement of private life happened to be the most difficult to be transformed into legal and policy formulations. Even the debates surrounding the Family Law were explicitly referring to the preference to keep the existing status quo. Rather than opening the discussion about more liberal or conservative arrangements in order to find enough of political support, keeping the balance between political parties forming policies and waiting for "a broader consensus in a society" prevailed.¹¹ As a result, all the above mentioned issues either preserve former regulations (abortion, family, marriage and divorce) or keep the invisibility of the issues on the policy level (same-sex partnership and Programme of reproductive and sexual health).

The term gender equality is rarely explicitly present within the issue of intimate citizenship. In general, the references are related to general equality, non-discrimination and human rights, health and wellbeing. The frame of human rights is absolutely predominant in all sub-issues – reproductive health, abortion, same sex partnerships with the exception of marriage and divorce were equality and non-discrimination is present more frequently.

¹¹ Daniel Lipšic, the Minister of Justice in Excerpts from the parliamentary debate on approving Act No. 36/2005 Coll. on Family, changing and amending some Acts. NC SR III, 2004, sessions 31. Transcript. <http://www.nrsr.sk/dk/Download.aspx?MasterID=134327>

The only document directly mentioning gender equality is the draft of the National Program of Protection of Reproductive Health in the Slovak Republic. The Program uses the name equal opportunities for women and men, which were included in the principles guiding the creation of the Program. The main frame of gender equality in the document is justice and human rights, which is similarly mentioned among the principles in connection with gender equality. However, the term itself is not clearly defined in the document; the paragraph devoted to it refers to equal responsibility of men and boys for reproductive behaviour, pregnancy and parenting, equal access to services of reproductive health including abortion and sterilisation not only for women but also for men and equal focus on prevention of female and male reproductive system cancer. Moreover, the Program includes issues of prevention and management of domestic violence referring to a sensitive approach of medical personals towards survivors of violence and their coordination with other services dealing with the issue as well as in prevention and awareness raising. Similarly, prevention of trafficking in women and children is included and focusing on similar measures. Other gender equality related measures comprise gender sensitive sexual education, promotion of men's use of parental leave in the scope of their great involvement in prenatal and postnatal care and non-discrimination of pregnant juveniles in access to education. In general, the Program is trying to implement a gender mainstreaming approach by introducing gender equality to several of its proposed actions. However, gender is still predominantly understood as referring to women and men without taking into account social relations or structures, although it is considering possible disadvantages of one of genders in the respective area.

In the Slovak context, one of the most discussed issues related to intimate citizenship is abortion. The debates were raised by the motion objecting the constitutionality of the abortion law filed to the Constitutional Court by a group of MPs. According to petitioners the right to life, as stated in the Constitution, covers also the protection of life before birth and consequently the legal regulation of abortions performed up to the 12th week without stating the reasons provides no protection to a foetus. Apart from the 'unconstitutionality' of the Abortion Law, the petitioners objected the constitutionality of the legally stipulated period for performance of an abortion on genetic grounds set forth in the Ministerial Order of the Ministry of Health of the Slovak Republic that exercises the Abortion Law. This motion provoked vivid social discussion with significant voices given to women's organisations as well as in the Parliament where another group of MPs attempted to introduce performance of abortion on genetic grounds to the Abortion Law and by doing so to make it in compliance with the Constitution. The debate was mainly framed in a human rights frame, specifically the right to life, health and privacy, women's rights and bodily integrity, children's rights with several references to equality and non-discrimination relating to both women and children (mainly referring to disabled children). The discourse took place on several dimensions – moral/ethical, legal and medical. As usual in pro-life and pro-choice discussions, notions of religion and ideology were also frequent. All of the norms and levels were equally used by both sides of the debates. The main target group was obviously women, followed by children and parents.

In the area of marriage and divorce, gender equality is completely missing. Legislation is almost de-gendered, and even uses gender insensitive language. Although it sporadically uses women and men it prefers de-gendered terms such as conjoins, parents, family. The diction remains rather conservative preferring matrimonial families and stating conception and upbringing of children as the main purpose of marriage. Despite a direct connection with domestic violence, this issue remains invisible within Slovak family policy. Non-discrimination and equality frames were often used by civil society as well as by parliamentarians, however in relation to discrimination of other family forms and not in direct relation with gender equality.

The issue of sexual orientation was debated in the scope of general antidiscrimination discussion during the period of the adoption of the Antidiscrimination Law and in relation with attempts to legalise same sex partnerships. Although the two debates took place in different time periods, the same sex partnership was considered as the underlying issue for the antidiscrimination debate too, mainly by its

opponents who feared that providing the protection against discrimination based on the grounds of sexual orientation would be considered as a first step towards legalisation of same sex partnership, possibly leading to deconstruction of marriage and family. Due to the abovementioned anxiety, the antidiscrimination provision on sexual orientation initially covered only the area of labour relations and was widened only recently, in 2008. So far, Slovak legislation still does not know the institute of registered partnership or same sex marriage. The only attempt to introduce it to the legislation in the Parliament happened in 2002 and was proposed by a group of MPs in close cooperation with gay and lesbians organisations.

Although the proposal itself denied the provision of a similar status as heterosexual marriage, it was clear that the marriage to a large extent served as a norm for a legal arrangement of partnership. Many provisions regulating property, inheritance, divorce/cancellation of a partnership, citizenship (in case when one of the couple is a foreigner) and child care obligations were analogous to those applying to marriage. Although the notions of the target groups were often de-gendered referring to homosexuals, homosexual or same-sex couples, it was possible to find gendered formulations such as gays and lesbians (in civil society text widen by bisexuals), homosexual women and men or specifically lesbians in case of relevant allowances or employment arrangements connected with birth of a child where proposed provisions analogously suggesting the same advantages that fathers of a child do have to lesbian partners. However, frames influencing the discussion did not concern gender equality as such and were rather framed by human rights, democracy, equality/discrimination, wellbeing and tolerance towards minorities. The discourse used in that time period was formed around medical and psychological knowledge and moral and cultural values.

The target groups of policies differs with relation to the issue they cover; women and to a certain extent men being a target of reproductive health policies, couples and families in case of marriage and divorce and gays and lesbians (often referred to in a de-gendered term homosexuals) in case of same sex partnerships. Actors consist of various bodies of public administration (mainly state and self-government administration and courts) and to a certain extent civil society and private sector (with limitation to reproductive health issues). In the issues of intimate citizenship, the main voice addressing them and demanding policy action is civil society (women's, gay and lesbian organisations) and politicians; however, while in other issues it is mostly the executive power that forms policies, the issues of intimate citizenship is more often addressed by the representatives of Parliament rather than state administration that had a significant role only in regulating marriage, divorce and family issues and proposing the National Programme of Protection of Reproductive Health. In addition, church representatives, medical, psychological and legal experts significantly contributed to the discussion.

To summarise, although the majority of the issues are directly connected to gender equality, gender equality remains rather invisible with the exception of sexual and reproductive health and abortion where it is not explicitly mentioned but the predominant frame of human and women's rights is connected to it. The meaning of gender equality consists of autonomy and bodily integrity of a woman, right to life, health and privacy but it also refers to men and their reproductive rights, roles and responsibilities in family planning and child upbringing. In addition, gender based violence sporadically forms part of the meaning at least in some policy documents while others, although it might be relevant to issues they deal with, keep omitting it.

3.4. The range of the meanings or frames of gender equality in gender based violence

The referential term of gender based violence in Slovakia is violence against women. The term was introduced by women's organisations and after few years it became a part of the official policy discourse. The term gender based violence is rarely used and if so it is within a context of

strengthening unequal gender power relations. Nevertheless, the term violence against women is not clearly defined and it is difficult to assess to what extent it covers all forms of violence.

Firstly, although both policy and civil society texts are using the CEDAW definition, violence against women is in both contexts often interchanged with violence in intimate relationships. If other forms of gender based violence, such as rape or sexual assault are mentioned, it is rather in the context of research and statistics than as a separate issue needing separate measures. Explanations of violence in intimate relationships are usually longer and focus, to a greater extent, on causes, forms and effects. Clear distinction of other forms appears only in penal legislation. The confusion on a policy level may be a consequence of inconsistent policy approach to the issue. The document that describes the context of gender based violence – the National Strategy Against Violence against Women and in Families mixes gender based violence with family context and is framing violence against women only as violence in intimate relationships. Per consequence, the action plan formulating specific measures to combat violence against women is focusing on violence in intimate relationships and measures foreseen by it are rather ambivalent without a clear distinction whether they refer to violence in intimate relationship or to other forms of violence as well.

Secondly, the issue of sexual harassment is almost exclusively out of the context of gender based violence. Even legislation is dealing with it in different context, as a part of equal treatment and non-discrimination legislation and not in Penal Code. As a consequence, sexual harassment is considered only as an offence in civil procedures without being perceived as crime as other forms of gender based violence are.

Thirdly, trafficking in women is always mentioned within the context of violence against women; however, there is only a reference to special policy instruments and measures or a separate chapter in case of civil society texts. The policy instrument on gender based violence – the National Action Plan against Violence Against Women mentions trafficking in women only by referring to the fact that the issue is dealt with in another document – the National Action Plan for Combating Trafficking in Human Beings. Similarly to policy documents, civil society texts always emphasise violence in intimate relationship over other forms and are omitting sexual harassment.

The issue of trafficking reflects persisting confusion over its understanding in Slovakia. On one hand, it attempts to incorporate a broaden understanding by international documents that is not limited only to sexual exploitation, reflected by the change in using the term trafficking in human beings. On the other hand, the issue in Slovakia is still understood mainly in the context of sexual exploitation targeting mostly women and as such it gains a strong gender dimension. As a result of this confusion, this sub-issue is the most de-gendered one. The texts uses mostly gender neutral terms referring to trafficking in human being. Nevertheless, a great inconsistency appeared in de-gendered formulations with description of the issue. The part dealing with a topic of victims is referring only to women as victims of trafficking that is proved also by rare statistical and criminal records. Moreover, the issue of trafficking in the Slovak context is almost exclusively related to forced prostitution and sexual exploitation. The document completely ignores other forms of trafficking, e.g. for labour exploitation. Even the name of the unit dealing with the issue within police forces equates trafficking with sexual exploitation - the Division for Trafficking in Human Beings, Sexual Exploitation and Victims Support - and a significant part of the document itself is dealing with prostitution. Although the facts confirm a strong gender aspect of trafficking and it is directly admitted by policy makers, the proposed measures remain strictly de-gendered in their form and by using gender neutral formulations of human beings and victims. However, gender equality is shortly mentioned by naming gender discrimination and violence against women as two of causes of trafficking and using gender equality policy documents as one of frames defining policies on the issue. Again, none of the abovementioned was transformed into policy actions.

The issue of gender based violence in Slovakia is closely related to gender equality. Inequality of women and men, power dynamics and persisting gender stereotypes are perceived as principal

causes of violence. In addition, violence against women is an integral part of almost all Slovak policies dealing with gender equality and it is regularly mentioned in connection with other issues related to it. Even in the parliamentary debate discussing gender based violence, the issue of low representation of women on the political level was raised by a notion of who decides on behalf of women and their experiences. At the same time, violence against women forms the main obstacle for reaching gender equality, preventing women from full participation in society. Within the context of gender based violence, gender equality is perceived of as a goal. Despite a close relation of violence against women and gender equality, the issue is mainly framed by a human rights frame and a justice and crime frame. Human rights is the absolutely predominant frame for all issues related to gender equality and is used not only in policy discourse but also by women's organisations. Health and economic development are mentioned to a lower extent, but both remain present.

The obvious target group for this issue is women as victims of violence. Men are mentioned only as perpetrators with relation to specific measures focusing on programs for them. De-gendered target groups, such as public or students, are the most frequent target of prevention activities. Among active actors, mainly state and public administration bodies and law enforcement agencies are listed. At the ministerial level, the Ministry of Labour, Social Affairs and Family and the Ministry of Interior and the Expert Group for the Prevention of Violence Against Women and in Families and the Expert Group for the Prevention and Assistance to Victims of Trafficking in Persons are the most important ones. Some tasks were assigned to the national equality machinery – the Slovak National Centre for Human Rights and to civil society.

The agency responsible for development of the issue on the institutional level is the Ministry of Labour, Social Affairs and Family, which formulates violence against women policies with the exception of the issue of trafficking in women. Nevertheless, the main responsibility for their implementation is under the direct supervision of the Ministry of Interior, which coordinates the inter-sectoral body the Expert Group for the Prevention of Violence Against Women. So far, this institutional body has been proven rather inactive and in last three years only three sessions (including the inauguration one) were conducted. Due to the inefficiency of the institutional mechanism, the main driving force for actions in the area of gender based violence remains women's organisations that have promoted the issue, drafted laws and to a large extent provide services for women. Despite their proven expertise and engagement, the cooperation of state administration and civil society within the issue is not systematic, civil society comments are rarely taken into account and consultations happen on a irregular bases.

With regard to voices demanding gender based violence policies, there was always a certain pressure that initiated policy changes; the pressure was either internal (the case of violence in intimate relationships) or external (the case of trafficking). Women's NGOs have played a crucial role in promoting the issue of violence against women 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 CEDAW or activities on the European level led to several changes of discourse in the society of the Slovak Republic; e.g. the issue of trafficking in women was facilitated by international organisations such as the International Organisation for Migration, signing of the Palermo Protocol and several critiques of the Slovak government from the side of international organisations (mainly US Department of State) for not complying with minimal standards for the elimination of trafficking in human beings.

3.5. Summary and comparison

The gender equality agenda in Slovakia covers various aspects of life including employment, access to health and social services and education, equal public representation of women and men and equal

share of family responsibilities. The area of labour relations concerns all issues stipulated by the EU directives, such as equal pay for work of equal value, equal treatment in all stages of employment – access, working conditions, promotion and dismissal and protection to pregnant women and provision of maternal and parental leave. Violence against women and trafficking in women are directly embedded into the gender equality definition, as it is dealt with not only within the issue of gender based violence but is equally present within general gender equality and the issue of intimate citizenship. In the Slovak context, sexual harassment is related to general gender equality rather than to gender based violence as it is incorporated into the antidiscrimination legislation and, as a result, it belongs to the area of Civil law and procedures and it is not recognised as a criminal act. Another important part of gender equality agenda is access to reproductive health and reproductive and sexual rights are mainly covered within the issue of intimate citizenship but appears within the definition of general gender equality as well.

The definition of gender equality as it was officially stated in the statute of the governmental gender equality body goes as follows: “Gender equality means that different behaviour, aspirations and needs of women and men are equally preferred and taking into account. The goal of gender equality in all areas of life is not a levelling but rather elimination of unimportant inequalities caused by being of a certain gender.” According to the definition of gender equality, gender concerns both women and men, who are equal and equally important for the development of a society. Moreover, the concept of gender partially includes social relations by considering persisting gender stereotypes and traditional perception of gender roles as one of the main obstacles in achieving gender equality. Nevertheless, the usage of the term gender in policy texts is not consistent and it often refers to a biological division of sexes rather than to socially constructed femininity and masculinity; the terms gender and sex are interchangeable or it is impossible to track to which of the two the actual usage of the term ‘gender’ refers. Per contra, civil society texts are fully aware of the gender-sex division and are consistently using it and include gender power relations in the definition of gender equality, something that is almost missing in policy documents even when dealing with gender based violence or gender stereotypes. Although even the policy definition of gender involves both of them, the accent is put on women rather than men, and men often serve as a norm group. The latter is the most significant in the area of employment and public representation. Women remain to be associated with gender within the issue of violence against women. A more balanced approach focusing on women and men is visible only within intimate citizenship, specifically in the area of reproductive health, which is one of the few policy areas at least attempting to incorporate a gender mainstreaming approach. Otherwise, gender mainstreaming in Slovakia remains a rhetorical formula present in the documents but not transformed into real policy making, which is clearly visible from the exclusive presence of the term in documents directly related to gender equality but its complete absence in other documents dealing with similar issues but framed by broader policy areas such as development, employment or social inclusion. The inconsistency is present on the level of measures when measures provisioned by gender equality policies do not appear at all in broader policies, often even when the same Ministry or state institution design both.

In addition, in some areas directly defined as having an impact on gender equality, gender aspects are missing or made invisible. It is mostly apparent in issues concerning family, be it the Family Law, social benefit system related to parenting or even the issue of reconciliation of work and family life. The latter is particularly interesting as the reconciliation measures were provisioned by gender equality policy but was not transferred vice versa. Gender equality is not even included within the principles leading to the development of reconciliation measures and is limited to gender specific statistical indicators and an acknowledgement of greater involvement of women into care and household responsibilities and an implicit possible higher impact of work-life balance policies on them. In general, when dealing with marriage and family policies, de-gendered terms such as couples, parents or persons with family responsibilities are preferred. It is partially caused by the fact that these policies are mainly dealt with by legislative measures (with the exception of reconciliation policy) that per se tend to be gender neutral and as there is no obligation to provide gender impact assessments

in Slovakia and there is no document framing family policies and strategies related to it, it is impossible to track legislators' intention or the compatibility with either family or gender equality strategies. Although, at least in the case of policy regarding reconciliation of work and family life, an intention to overcome the traditional division of gender roles in family responsibilities by using de-gendered terminology might have been present. It is indicated by the consideration (as limited as it is) for possible different impacts on women and on men and by the presentation of the document as being a part of gender equality policies by the Ministry of Labour, Social Affairs and Family (again, mainly rhetorically); reconciliation policies do not comprise any measure promoting fatherhood or greater involvement of men into care responsibilities. In general, it can be stated that gender neutrality of family policies indicates gender insensitivity preserving gender inequality and a domination of traditional concept of family over women's or men's individual rights. This statement can be supported by no notion of domestic violence in the Family Law and by significant presence of "family values" rhetoric in Slovak political discourse. Moreover, the conservative concept of family predominates not only in rhetoric but also in legal arrangements when existing family law completely ignores non-traditional types of families and the definition of marriage itself states that the main purpose of it is procreation and children upbringing.

To summarise, the issue of non-employment and the sub-issue of marriage and divorce of the issue of intimate citizenship are the most de-gendered within all gender+ equality policies. Certain tendency of de-gendering or rather significant inconsistency in the understanding of gender aspects appears in policies related to trafficking in women caused most probably by the international pressure to widen the issue of trafficking from trafficking for sexual exploitation to other purposes such as forced labour or organised begging. Therefore, the changes in naming the issue from trafficking in women to trafficking in human beings happened in Slovakia, however without changing the formulation of the very concept. The diagnosis part related to trafficking refers only to trafficking for sexual exploitation and identifies women and girls as actual and potential victims. However, the prognosis part consistently uses the term trafficking in human beings that not only prevents the measures of being tailored specifically for intended target groups but also does not allow for the development of adequate indicators. In the case of trafficking, de-gendering refers to gender being present but on the implicit level rather than to gender neutrality itself.

Gender is the most visible within general gender equality; gender based violence, intimate citizenship and to certain extent in employment. However, gender aspects of the latter two issues are pointed out mainly by civil society. The visibility of gender in the policy context is not consistent and depends on a context in which a policy was design (gender equality or other context). As abovementioned, gender is present but made invisible within the issue of trafficking and in some of the non-employment issues (reconciliation) while other non-employment and family policies remain completely de-gendered, although they have a significant impact on gender equality.

The main target group of gender equality policies is the group 'women' followed by general public/population/citizens. Men as a target group appeared more rarely, mainly within the issue of intimate citizenship – the reproductive health sub-issue and to a lower extent in general gender equality. Men are mentioned only within the target group of perpetrators in gender based violence. In the de-gendered issues (non-employment and some sub-issues of intimate citizenship) the target groups consist of couples, parents, families and homosexuals. Although in Slovak discourse, when referring to people of other sexual orientation than heterosexual, the general term homosexuals is mainly used. Gendered forms of lesbians and gays are also present to some extent, even within political debates and they are highly used in civil society texts, where it is often widened to include a third group of bisexuals.

Responsible actors consists almost exclusively of state and public administration, the Ministry of Labour, Social Affairs and Families being the most present one and followed by other ministries – Interior in case of gender based violence or Health in case of reproductive health. Other public

agencies comprise regional self-governments, Offices of Labour, Social Affairs and Families, the Statistical Office or research institutions. Obviously, within the issue of gender based violence, law enforcement agencies play an important role. In addition, tripartite institutions are partially involved in gender equality agenda when dealing with employment. Civil society is named among responsible actors to much lower extent and its presence is limited to the issues of gender based violence and intimate citizenship.

With relation to voices, the main voice promoting gender equality is civil society, mainly women's organisations; some think tanks started to have an important voice in the issues of non-employment and gender based violence. LGBT organisations naturally remain the main voice demanding changes in perception and acceptance of sexual minorities' rights. In addition to the impact of civil society, another important factor that significantly contributed to the development of gender equality policies is represented by international institutions and international commitments of Slovakia, e.g. CEDAW and EU *aquis communautaire*. On the institutional level, the main responsible agency for gender equality is the Ministry of Labour, Social Affairs and Families, which designs the main frames for gender equality policies related to general gender equality, non-employment and even gender based violence (with the exception of trafficking where the Ministry of Interior is the main actor). Within the issue of intimate citizenship, the institutional voices comprise the Ministry of Health and the Ministry of Justice (Family Law). While all gender equality issues are represented by all of the three main voices – civil society, international and institutional level, within the issue of the intimate citizenship individual voices of politicians became highly significant mainly when dealing with abortions and same-sex partnership. As expected, within the issue of intimate citizenship, the voice of the church is highly present as well.

In general, it can be stated that gender equality is a mean to reach a democratic and economically developed society, which is mostly significant in general gender equality and non-employment issues. Nevertheless, gender equality in intimate citizenship and gender based violence are presented as a goal rather than a means. Gender inequality is perceived as the main cause of gender based violence and at the same time violence against women prevents society to reach gender equality. In addition, reproductive and sexual rights are perceived as an important component of gender equality, which cannot be achieved without their respect and guarantee.

The frames of human rights and equality/non-discrimination mainly frame gender equality policies. While equality/non-discrimination frame is present in general gender equality, non-employment and partially in intimate citizenship (same-sex partnership); human rights frame appears similarly in general gender equality, intimate citizenship and gender based violence and is not at all present in non-employment. Civil society texts use either broader frame of human rights or directly refer to women's rights, the frame mostly used in intimate citizenship and general gender equality. The frame of economic development is less frequent, however it can be found within the issues of general gender equality, non-employment and gender based violence. Other frames are issue specific, such as justice in gender based violence, demography in non-employment or wellbeing in intimate citizenship. As expected, the frame of health appears within the issues of intimate citizenship and gender based violence.

4. The range of intersecting inequalities

The most important inequalities that intersect with gender are ethnicity, which applies to all sub-issues. Age is mostly present in non-employment and intimate citizenship. Family status is related to non-employment and to a certain extent to intimate citizenship. Intersections of gender and sexual orientation are rather rare and limited to the issue of intimate citizenship. Other intersecting inequalities such as religion or nationality have played only marginal role in the equality debates in Slovakia. In the Slovak context the term "class" is never used, however, it is replaced by terms such as socially disadvantaged groups or socio/economic conditions. Nevertheless, there is certain confusion

between ethnicity and socio-economic disadvantages (class). Ethnicity most commonly refers to Roma minority as the most significant ethnic minority in the country. In addition, in the discursive practice the term socially disadvantaged groups usually refers also to a certain part of Roma communities although it is not exclusively limited to them. The interchange of terminology can be clearly visible from the development of introduction of affirmative action in Slovakia.

The first attempt to introduce affirmative action appeared in 2004 during the adoption of the Antidiscrimination Act. The provision on affirmative action was incorporated in the Parliament to the presented governmental draft of the law stating 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, initiated a court procedure on the Constitutional Court on the consistence of the provision of affirmative action in the Antidiscrimination Act with the Slovak Constitution. In 2005, the Constitutional Court ruled by a close vote that the concerned article is inconsistent with the Constitution. A dispute on affirmative action continued during the amendment of the Act in 2008. The governmental proposal suggested affirmative measures in order to eliminate disadvantages linked to racial or ethnic origin, age or disability. During the adoption process in the Parliament the wording “racial or ethnic origin” changed and was replaced by “forms of social and economic disadvantages”. The main argument for the replacement was the former decision of the Constitutional Court with regard to affirmative measures based on racial and ethnic origin as being inconsistent with the Constitution. However, the main implicit target group of both remains the same – marginalised Roma communities.

Ethnic or linguistic divisions in Slovakia are connected with the two most numerous minorities in Slovakia, one of which is based on ethnicity – Roma/non-Roma and the second one is based on nationality Hungarians/Slovaks. In the context of equality, Hungarian minorities have not played a significant role in equality debates, while equality legislation and policies have a significant impact on the Roma minority as the most significant ethnic minority in Slovakia.. It is difficult to estimate how big the minority is as there are no statistics surveys based on ethnicity carried out in Slovakia. The only official data available is the census from the year 2001. According to the census, only 1, 7% of the population claimed to be of Roma ethnicity/nationality. However, the number is underestimated due to the method of census in which inhabitants choose nationality. The percentage would give 90 000 Roma inhabitants but according to the unofficial estimation there are 380 000 Roma in Slovakia.¹² Other ethnic minorities are represented only in low numbers, e.g. there were only 1 716 Vietnamese (as the second largest ethnic minority) registered in Slovakia in 2003 and the number of decisions of asylum status is extremely low – 6 304 since 1992.¹³

In addition to being the most numerous ethnic minority in Slovakia, Roma communities often belong to socially excluded groups. Approximately half of Roma are integrated among the majority population. The rest live in marginalised communities, which are classified as segregated or separated (within municipalities) and concentrated (in urban areas) with elements of ghettoisation. Marginalised Roma communities often live in substandard living conditions including lack of technical and hygienic infrastructure, which has a significant impact on their health; the average life span of Roma women and men is 12 to 15 years less than the majority population's.¹⁴ Marginalised communities are marked by low educational level and low level of unemployment. As a result, marginalised Roma communities are the most vulnerable group at risk of poverty.

¹² According to the webpage of the Plenipotentiary for Roma communities: www.romovia.vlada.gov.sk

¹³ According to the Migration Office, available at <http://www.minv.sk/?statistiky-20>

¹⁴ In Medium-term Concept of the Development of the Roma National Minority in the Slovak Republic, http://romovia.vlada.gov.sk/data/att/12371_subor.pdf

Thus the main intersectional axis in Slovakia is gender-ethnicity and/or gender/class, meaning the multiple discrimination of Roma women. This particular inequality axis is the most common one both in policy and civil society texts. Nevertheless, there is a visible imbalance between the extent of the focus by the two. On the policy level, the intersectionality between gender and ethnicity (Roma) is dealt with mainly in the scope of Roma minority policies referring to both gender mainstreaming of minority policies and mainstreaming of ethnicity to gender equality policies. However, existing policies related to gender equality include this intersectionality axis only by notions of special vulnerability of group of Roma/socially disadvantaged women to certain phenomenon (e.g. trafficking), hindered access to information or services of these groups (e.g. reproductive health or gender based violence) but rarely as a specific target of proposed actions or designing specific measures for them.

In contrast to the policy level, civil society is paying greater attention to the gender-ethnicity axis, especially in recent years. The shift towards this particular dimension of intersectionality happens both within women's organisations and Roma organisations. A Roma woman organising is becoming more and more frequent. Although the number of specific minority women's organisations is rather low - currently there are 12 Roma women's organisations; Roma women are active in many community activities. Roma women's NGOs are mostly active in non-employment issues and reproductive health. However, their sensitivity towards other gender equality issues is increasing and many of them have included gender based violence into their focus. In addition, trafficking in women is becoming a special issue for organisations dealing with this minority group.

Similarly, women's organisations have often included a special focus on Roma women into their activities, reproductive health and violence against women and to a certain extent non-employment being the most visible areas of this intersectionality approach. Moreover, women's organisations present more inclusive attitude towards Roma women by inviting their representatives to consultations regarding their activities towards this target group (e.g. participation of Roma women in development of methodological manuals for services provided to women surviving violence focusing on special needs of minority women). Although this inclusive trend is rather new in the Slovak women's movement it seems to be an increasing tendency. The significant sign of enhanced focus on Roma women is the first ever integration of Roma women issues into the CEDAW shadow report published this year, which contains a separate chapter on (dis)respecting the rights of Roma women. The chapter was prepared by Roma women activists.

As mentioned above, the tendency of women's organisations to incorporate intersecting inequalities increased in recent years. Among other inequality axes organisations have started to address, class, age and sexual orientation are the other most significant intersections, class-gender being a cross-cutting intersectionality over all issue related to gender equality. The axis of gender-age is most significantly present in the area of employment (women 45+) and reproductive health (young and senior women). However, in these areas no alliances with organisations dealing with elderly or youth have been established. The intersection of gender and sexual orientation is dealt with by exclusively feminist organisations, which have created alliances with organisations representing sexual minorities in order to coordinate their activities related to the amendment of the Antidiscrimination Act and sexual orientation is often reflected in Slovak feminist texts. In addition, lesbian activists often take part in actions organised by women's organisations regarding gender based violence, reproductive rights and gender equality in general.

5. Intersectionality in Slovakia

Intersectionality remains rather invisible in Slovak policy making; there is no separate document dealing with it although some combinations of intersecting inequalities are incorporated into policy documents dealing with one inequality, e.g. a separate chapter on gender equality in the Medium Term Concept of the Development of Roma Minority in the Slovak Republic or intersecting groups are

mentioned as requiring special focus in some policy measures (mainly in the area of gender based violence and intimate citizenship). In these cases, the intersectionality occurs mainly on the gender-ethnicity, gender-age, gender-class axes and to a much lower extent on the gender-disability axis. Slovak policy discourse does not recognise the concept of intersectionality and if it appears, the notions refers to specific categories of women; Roma women being the most frequent one followed by women from socially disadvantaged, marginalised or vulnerable groups.

The movement towards an approach that takes intersectionality into account is rather new within the Slovak women's movement and the number of organisations that have adopted it remains low. It was provoked to a large extent by existing reality (e.g. increasing number of Roma women in violence against women centres) rather than by theoretical reflection of intersectionality as such. Therefore, no civil society or academic texts on gender and other inequalities intersectionality exist in Slovakia so far and it is being referred to mainly as multiple discrimination or women having specific needs or being more vulnerable to certain types of unequal treatment. Despite a lack of theoretical reflection, civil society tends to have a more comprehensive approach than policy makers in understandings of structural intersectionality. While policy texts limit intersectionality to the naming of some factors specific to a certain group or more often even skip this step and only suggest a general measure to pay special attention to these groups, civil society texts attempt to describe how women with intersectional identities experience various social phenomenon in qualitatively different ways. Nevertheless, they do not take into account all intersectionality axes. The most elaborated approach can be found in gender-ethnicity (concerning mainly Roma women) and gender-age, though limited to the issue of non-employment.

5.1. Inequalities in general gender equality legislation and gender machinery

There is no separate legislation on gender equality in Slovakia; the issue falls under the broader scope of antidiscrimination and equal opportunities legislation. The Act on Equal Treatment in Some Fields and on Protection Against Discrimination (here after Antidiscrimination Act) was adopted on 20 May 2004. Lately it was significantly amended on 14 February, 2008 and is in effect from 1 April 2008. The Antidiscrimination Act at the same time established national equality machinery by extending the role of already existent National Centre for Human Rights that is currently responsible for monitoring and assessment of antidiscrimination principles provisioned in the Antidiscrimination Act and provides legal aid to victims of discrimination.

The range of inequalities recognised by Slovak legislation is rather broad. The Antidiscrimination Act prohibits discrimination on the grounds of sex, religion or belief, nationality or ethnicity, disability, age, sexual orientation, marital and family status, race, language, political opinion, national or social origin, property, gender or other status.¹⁵ Nevertheless, some concepts of the grounds listed above such as social origin or property are not defined in legislation or by other policy instruments and due to their recent inclusion to the legislation (February 2008), up to now no cases were brought to courts based on these grounds. Although the legislation recognises several types of inequalities, it does not take into account their possible intersections. Similarly, the national equality machinery, although it integrates all inequalities, has so far not had any program focusing on intersectionality, neither in its research and publishing activity, nor in its legal practice.

In general, equality legislation does not deal at all with intersectionality (some other equality provisions related to gender, age or disability can be found in employment related legislation) and does not even recognise the term multiple discrimination. The only notion of multiple discrimination can be found in

¹⁵ 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.

the call for proposals in the scope of the Year of Equal Opportunities for All 2007 that incorporates multiple discrimination as one of the focus of eligible projects. Multiple discrimination is defined as follows:

“Multiple discrimination known as well as cumulative or intersecting discrimination means discrimination on two or more grounds mentioned in Article 13 of EC Treaty (gender, race or ethnicity, religion or believe, age and sexual orientation). The effect of multiple discrimination is greater than simply adding the impacts of discrimination on two or more grounds. Individuals facing multiple discrimination experience it differently than groups to whom they belong, e.g. a black woman can be discriminated from “female” work on the grounds of her race or colour and from “male” work on the grounds of gender.”¹⁶

Despite the fact that several projects within this call for proposals carried out by non-governmental organisations dealt with multiple discrimination on several axes, their results were not transposed into policy making.

5.2. Intersections in non-employment

As mentioned in chapter 3.1., the issue of non-employment is the most de-gendered of all four studied issues. The same holds true for intersectionality. Within legislation and policy documents, all grounds of discrimination and inequality are dealt with separately. If notions of intersectionality appear, they are related to the gender-family status axis in the form of expressions such as pregnant or breastfeeding women (mostly in legislation related to special treatment at workplace) or mother of children in the area of employment that became the only gender specific indicator in the National Reform Programme or in relation to measures for the reconciliation of work and family life (although mainly in the de-gendered form “parent”).

In contrast to policy texts, civil society texts pay greater attention to possible intersectionality with gender mainly in the area of employment; that was to a certain extent stimulated by the possibility to use ESF funds for projects focusing on gender equality and the labour market. Within the ESF funded projects, several concentrated on the research of position of various groups of women at labour market, namely women over 45 years of age, women after maternity leave, Roma women and to lesser extent women with disabilities.

The following text will therefore be divided according to inequality axis . The research included focus mainly on quantitative and qualitative research defining positions of these groups of women, describing mainly structural intersectionality. As presented data are quite recent they have not led to any significant political activity yet, neither from the side of civil society nor policy makers.

Gender and age

This category of intersectionality presents lots of statistical data as both gender and age are classic variables collected within employment data. According to statistics, the employment rate of women has always been lower in comparison to men and in last 10 years it has had a decreasing tendency in all age categories except the age group of 55 to 64 years in which the employment rate has increased due to changes in the retirement age of women. Nevertheless, in comparison to male employment in this age group, the difference remain quite significant – 12,6% for women and 43,8% for men. Per contra, men outnumbered women in the unemployment rate in this age group (again, it can be explained by gender differences in the retirement age). In recent years there are also relatively high numbers of unemployment in the age group over 45 that apply to both women and men. In 2004, the

¹⁶ www.mensiny.vlada.gov.sk/data/files/2243.doc ()

age group over 45 represented one third of the Slovak labour force out of which 14,9% were women and 18,3% men.

In 2004 the Pension reform was adopted in Slovakia. An important part of the reform was the increased pension age to 62 years for both genders. Initial pension age was 60 years for men and 53-57 for women (depending on the number of children). The increased pension age for women is gradual at a rate of 9 months per year until it will reach the level of 62 years. As a result, women over 45 years of age are strongly impacted by the reform. Many aging women experience fear that they may lose their jobs before reaching the retirement age. According to public surveys, this group belongs to one of the most vulnerable groups at the labour market due to stereotypes constructing the group as less effective and flexible, often less “representative” and unable to adapt to new circumstances and learn new skills. Women in this age category are often employed in low paid sectors and on low paid positions. Average earnings of women over 45 are lower than that of women in the age category of 30 to 44. In addition, they are strongly impacted by a double burden as they combine care for their own families and increasingly for families of their children and care for their family elderly.¹⁷ Family responsibilities thus often limit their employment choices.

Women over 45 years of age face several obstacles that can limit their access to the labour market and weaken their position at work. However, with changing demographic trends, the aging population and prolongation of retirement age women over 45 years of age represent a challenge for policy makers and employers how to maintain them on the labour market.¹⁸

Gender and family status

Another group among the most vulnerable groups on the labour market are women after maternity leave and women with small children. The most numerous group of long-term unemployed in Slovakia is the category of women in the age of 30-33 years of age, most frequently represented by women who aim to return to the labour market after maternity and parental leave.¹⁹ Women after maternity leave face multiple discrimination when returning to the labour market – they are discriminated against on the grounds of gender and their family status. Despite the fact that discrimination on both of these grounds is forbidden, mothers in the survey carried out by the Institute of Public Affairs²⁰ confirmed that during the hiring process, they were asked questions regarding the number and age of their children, intention to have more children and how they plan to take care of their children in case of their sickness. Employers consider mothers after maternity leave as a risk group due to the possibility of their frequent absence, low time flexibility and lack of qualification caused by the interruption of their working careers.²¹ Mothers with small children have a high risk of employment in state and public administration, their chances in the private sector are getting more limited although it is highly dependent on the size of the enterprise – the smaller the organisation is the less chances for mothers to gain employment.²² This group of women encounter other unlawful practices as well, such as for example dismissal during parental leave or demoting of a woman returning from parental leave leading to a lowering of wages.

¹⁷ In Filadelfiova, Jarmila: Women, Men and Age in Labour Market Statistics. Edited by Zora Butorova. Bratislava, Institute for Public Affairs 2007, p. 105.

¹⁸ Ibid.

¹⁹ Piscova, Magdalena: Slovakia on the Way to Gender Equality. Bratislava, ERPA and Sociological Institute of the Slovak Academy of Science 2006, p. 87.

²⁰ Marosiova, Lydia and Silvia Sumsalova: Mothers on Labour Market and in Family Life. Bratislava, Institute for Public Affairs 2006.

²¹ Piscova, Magdalena: Slovakia on the Way to Gender Equality. Bratislava, ERPA and Sociological Institute of the Slovak Academy of Science 2006, p. 88.

²² Marosiova, Lydia and Silvia Sumsalova: Mothers on Labour Market and in Family Life. Bratislava, Institute for Public Affairs 2006.

In general, Slovak employers do not implement measures of reconciliation of work and family life and if so, they are limited to flexible working hours, part time contracts (nevertheless not often chosen by women due to family economic conditions²³) and few additional days of paid leave. Other forms of reconciliation such as flexible working arrangements, telework or care facilities offered by employer remain still rare. Therefore arranging child care continues to be a family matter, or better to say a female matter, as according to public opinion it is the mother's role to provide care for children (83% in contrast to 10% favouring the option of mother or father).²⁴ Mothers with small children thus often need to apply individual strategies to succeed on the labour market, which may sometimes mean to accept a lower paid or even a lower qualified job in order to combine work and family life or to gain employment at all. The situation becomes worse the more children the mother has, or if she is divorced or single.

Currently, the issues connected with the intersection of gender-family status has become highly political as both coalition and opposition parties have on their agenda changes related to the amount of paid maternity leave and the form of allowances paid to parents on parental leave or employed parents with children up to the age of three. Nevertheless, the debates are more framed in the discourse of demography and family policies, gender equality seems to be taken into account only implicitly. So far, none of the parties of the debate presented gender impact assessments of the measures proposed. Women's NGOs are actively involved in the debate. At the time of writing this report, the discussion was opened but no results have been achieved on a policy level.

Gender and disability

The issue of the intersectionality axis gender-disability is less developed and there are no statistics available and policies related to disability do not take gender into account at all. Nevertheless, the National Council of Citizens with Disability has identified several obstacles that disabled women face, such as lower income in comparison to non-disabled women, lack of information on appropriate employment and lack of employment opportunities. Women with disabilities also face discrimination in access to education, mainly at university level and long life learning due to physical barriers and high costs of possible ways to overcome the barriers, such as for example personal assistance that are not sufficiently covered by the compensation aid provided by state. Unfortunately, disability organisations do not pay adequate attention to gender equality and as a result, no further analysis, research or political activities dealing with this particular intersectionality axis are available.

Gender and ethnicity

The employment rate of Roma women is much lower than the employment rate of majority women and it is only half of employment rate of Roma men. According to a UNDP study²⁵ the employment rate of Roma women in productive age is really low – 4, 6% in comparison to 41, 2 % of majority women population. The employment rate of Roma men is 10, 5 % in comparison to 51, 7 % of majority men population. Although it is probable that a majority of Roma women face multiple discrimination at the workplace due to their gender and ethnicity, the situation is even more critical in marginalised Roma communities. As mentioned above, these communities face physical and social segregation and often represent spots of concentrated poverty in Slovakia. The unemployment rate in these communities is close to 100% and there often are several generations without any employment experience. Another significant factor influencing the low employment of Roma women is low educational level – 77 % of Roma women have only primary education (finished or unfinished). The low level of education is present in the whole Roma community, without significant gender differences²⁶. However, Buckova²⁷

²³ The rate of part time employment of women in Slovakia is one of the lowest in EU.

²⁴ Ibid.

²⁵ United Nations Development Programme: Report on Living Conditions of Roma Households in Slovakia. 2006

²⁶ According to the webpage of the Social Development Fund: <http://www.fsr.sk>

suggests exploring the role of gender stereotypes in some communities in early drop out of Roma girls from schools. The traditional patriarchal division of gender roles is significantly present in marginalised Roma communities, according to Botosova²⁸, who states that Roma girls assist in care responsibilities for family members from an early age and thus are getting prepared for the role of being a mother. Motherhood in Roma communities is perceived as the most important female role and in segregated communities motherhood represents the only life choice for girls as they follow the life-paths of their mothers and grandmothers in accordance with community tradition. In addition, motherhood increases their status in the community.

According to Musinka,²⁹ in addition to segregation and communities' tradition, another factor that limits Roma women's employment chances is the lack of social networks. Musinka described an example of a community project in which Roma women started to produce hand-made bags that were sold in a shop specialised on hand-made products. After several months, the shop had cancelled further purchase. As project leaders discovered later, the shop kept offering similar products, however, produced by another producer. According to Musinka, this example shows that even in a case in which Roma women are successful on the market, their position remains vulnerable as they can be easily replaced by majority producers with greater social contacts facilitating their market success. The position of Roma women in the labour market is not only limited by gender or ethnic discrimination and socio-economic status of marginalised communities but their experience is qualitatively different by their almost exclusive care giver status in the family and high value of motherhood in the community. A majority of Roma girls thus prefer the role of mother to education and preparation for employment. Family responsibilities and social exclusion of marginalised communities limit their access to social networks and further decrease their chances for gainful activity.

Moreover, the care giver role influences other non-employment issues, concretely access to social benefits. As it was pointed out by Durbakova³⁰, according to the current Law on Maternity Allowance, the benefit is denied to a woman who leaves a child in the health care facility after the delivery without a permission of a physician. This practice occurs mostly, if not exclusively, among Roma women that "escape" from hospitals and come back for their child when it can be released from hospital. The reason why Roma mothers leave hospital prematurely is connected with their care giver role as they have other children at home in need of care and often there is no one to temporarily replace the mother. Roma women are well aware of the fact that a new born child will be well taken care of in the hospital until they come back. The position of Roma women in the family was not taken into account when preparing the law and as this behaviour is almost exclusively present in Roma communities, the provision seems to be discriminatory against Roma women. This fact was also pointed out by the Slovak National Centre for Human Rights, the national equality body, in its expert opinion of August, 17, 2007 where it suggested amending the legislation so it is in accordance with protection of rights guaranteed by Slovak legislation.

As presented above, various inequalities intersecting with gender (though not all of them) in non-employment issues have started to be documented and analysed by civil society organisations. Nevertheless, none of them is taken into account by related policies so far with the exception of

²⁷ In the Shadow Report to the Committee on the Elimination of Discrimination against Women for the Slovak Republic jointly submitted by several women's and human rights organisations in May 2008, p. 41.

²⁸ In Kristína Magdolenová: Matrix po slovensky alebo diskriminácia na pracovnom trhu: mýty a fakty/Slovak Matrix or Discrimination at the Workplace: Myths and Facts. Roma Press Agency. 2006.

²⁹ Interview with Alexander Musinka from the Center for Anthropological Research took place on October, 15, 2008.

³⁰ In the Shadow Report to the Committee on the Elimination of Discrimination against Women for the Slovak Republic jointly submitted by several women's and human rights organisations in May 2008, p. 50.

gender and family status. Employment of mothers with children up to the age of 12 was mentioned as the only gender specific indicator in the National Reform Programme and the Draft of Measures for Reconciliation of Work and Family Life deals with the issue though in a de-gendered way. Similar to other gender+ equality issues, intersectionality remains a challenge for policy makers.

5.3 Intersections in intimate citizenship

Intersectionality is disproportionately represented in three main areas related to the issue of intimate citizenship – marriage and divorce, reproductive health including abortion and same sex partnership. The first one – marriage and divorce does not comprise any intersectionality aspect in the Slovak context. Debates on same sex partnership covered, to a certain extent, intersections of gender and sexual orientation. Although gendered division to lesbians and gays or homosexual women and men can be found more often in civil society texts, there were some notions present in parliamentary debates as well. In addition, one provision of the draft proposal on the act of same sex registered partnership focused specifically on lesbians, in the case of relevant allowances or employment arrangements connected with birth of a child for the lesbian partner of the mother. Nevertheless, this provision was not intended to be applicable to men and indirectly stated the impossibility of parenting of gay couples. Other intersectionality axes such as gender/ethnicity or gender/disability did not figure at all in the debate on same sex registered partnership.

Intersectionality is mostly visible in the third area of reproductive health although it is never conceptualised as such. Notions of intersections can be found both within policy and civil society texts. While policy texts often refer only to vulnerable groups and list some intersectional identities (again without recognising any intersectional aspects), some civil society texts attempt to describe structural intersectionality, mainly related to the gender-ethnicity axis, which is most frequently related to the identity of Roma women. First, I will look closer at the range of intersectionality notions in policy and civil society texts and later I will discuss the issue of coerced sterilisations of Roma women as the most significant gender-ethnicity intersectionality issue within the area of intimate citizenship.

The draft of the National Programme of Protection of Reproductive Health in the Slovak Republic states several times intention to pay special attention to disadvantaged and marginalised groups. The Programme defines them as those population groups that for certain subjective or objective reasons do not have equal access to education, health services and so on because they face economic, cultural or health barriers. In relation to gender it covers the axes gender-age (girls, boys, young and elderly women and elderly men), gender and class (in Slovak context it often comprises ethnicity as well) by mentioning women from socially disadvantaged groups, gender-disability and gender-ethnicity meaning Roma women and migrant women. One of the goals of the Programme explicitly refers to the enhancement of family planning services for marginalised and vulnerable groups. In practice, the measures tackle access to contraception methods and abortion for women from socially disadvantaged groups and women with disabilities and prevention and information activities focusing on young girls and boys or elderly women and men. Although the diagnosis part is partially analysing the situation in marginalised Roma communities, the prognosis part does not introduce any specific measures for women or men from these communities. Summarising, although the Programme is the only Slovak policy document on the issue of intimate citizenship that mentions intersectionality (at least some of its aspects), due to the lack of a working definition of intersectionality and consequently inappropriate inter-changeability of terms referring to it (vulnerable, disadvantaged or marginalised groups comprising of several different axes), the Programme did not manage to embrace the issue and to develop adequate measures to overcome structural obstacles women and men with intersectional identities face.

Civil society texts use a broader spectra of intersectional identities, focusing mainly on the axes gender-age, gender-class and/or ethnicity, gender-family status and gender-sexual orientation, however, they almost completely omit disability. Intersectional identities are most often mentioned in relation to access to contraception and abortion (girls, young women, women from socially disadvantaged groups), access to sexual and reproductive education (girls and boys, Roma girls and women), and access to assisted reproduction (women from socially disadvantaged groups, women regardless their marital status or sexual orientation). However, similar to policy documents, civil society texts limit the notions of intersectionality to naming intersectional identities without analysing structural and other dimensions of intersectionality. The analysis of intersectionality (without using the theoretical concept) can be found only in case of Roma women due to a special attention to access to reproductive health services by this women and highly discussed cases of infractions of Roma women's reproductive rights in the form of coerced sterilisation.

The issue of coerced sterilisations of Roma women was brought to light by the publication of a report of the Centre for Civil and Human Rights (Poradňa pre občianske a ľudské práva) and the Centre for Reproductive Rights in New York titled *Body and Soul, Coercive Sterilisations and Other Assault on the Roma Reproductive Freedom in Slovakia* in 2003 (see Zampas et al 2003). The report presents cases of coerced sterilisations in Eastern Slovakia, as well as cases of discrimination of Roma women in access to health care. According to the *Body and Soul* report, sterilisations were performed on Roma women during delivery performed via caesarean section without their prior informed consent. Although Roma women gave their written consent to sterilisation without having sufficient information about the meaning and consequences of it, it happened at the time when the delivery was in progress and they had regular contractions. Apart from that, some of the women were not of age at the time when the sterilisation was performed, which means that legal consent of a parent or a guardian was needed but missing in the documentation. In addition, the report disclosed discriminatory practices such as segregated rooms and toilets in hospitals and humiliating behaviour of health care personnel towards Roma women.

After the publishing of the report the government initiated two separate investigations by the Office of the Prosecutor and the Committee of the Ministry of Health in order to examine cases mentioned in the report. The Office of the Prosecutor discontinued criminal prosecution claiming that the act, for which the prosecution was held, had not occurred. Injured Roma women with the help of the Centre for Civil and Human Rights filed a constitutional complaint with the Constitutional Court. The Constitutional Court held that investigations were not carried out appropriately and cancelled the decision of the Regional Prosecutor's Office and ordered it to act on the case again. The Constitutional Court awarded the three complainants financial satisfaction of 50.000 SKK each (approx. 1.350 EUR), for procedural violation of their rights. Nevertheless, the second round of investigation led to the same results as the first one. Currently, aggrieved Roma women have filed a constitutional complaint again.³¹ Similarly, the inspection of the Ministry of Health did find only two cases breaching the existing law on sterilisation in which signatures of a parent or a guardian were missing in cases of under aged girls. However, the investigating committee stated that sterilisations in these two cases were medically indicated and were performed in emergency. The inspection did not confirm discriminatory practices or segregated facilities.³²

Some women on whom sterilisation has been performed without their consent filed civil lawsuits and are legally represented by the Centre for Civil and Human Rights. So far, there has not been a single court decision issued in favour of Roma women. In most cases, the court proceedings are still

³¹ According to the Shadow Report to the Committee on the Elimination of Discrimination against Women for the Slovak Republic jointly submitted by several women's and human rights organisations in May 2008.

³² According to the Governmental Statement to the Report of Process and Development of Suspicions of Alleged Coerced Sterilisations of Roma Women and on Adopted Steps and Measures.

pending. One case is currently on the Constitutional Court of the Slovak Republic and two complaints were filed to the European Court of Human Rights. The cases of coerced sterilisations of Roma women were high profile and they attracted lots of international attention. This case at the same time shows that the concept of intersectionality is nonexistent in Slovak discourse and illustrates how Slovak society is incapable to find solutions when dealing with intersectionality.

Infringement of Roma women's reproductive rights is a typical intersectionality case in which both dimensions – gender and ethnicity – should be taken into account. It is connected to the female reproductive role and a special vulnerability of women while being pregnant and giving birth (no sterilisations of Roma men were documented). Discriminatory practices in reproductive health service however concern Roma women because of their ethnicity. Intersectionality, as understood by Crenshaw³³, has several levels (see ch. 2). According to Crenshaw, structural intersectionality represents a qualitative difference of experience of women of different race/ethnicity. Roma women in Eastern Slovakia often live in segregated communities facing social and often also physical exclusion. These communities are marked by low levels of education and high unemployment rates; both of them impact on women more severely than men. As a result, living conditions in these settlements are very low. All these factors affect access of Roma women to reproductive health information. The distance to hospitals combined with lack of financial resources limit their access to health services and facilities. As there is no special policy on financing contraception for socio-economically disadvantaged groups, family planning for these Roma women is made impossible. In addition, in Roma communities a specific gender dynamics occurs, traditional division of roles and patriarchy seem to be more prevalent in comparison with majority population, which in turn limit Roma women's gender roles to motherhood. In cases of coerced sterilisation, low levels of education, lack of information on reproductive health and lack of rights awareness of Roma women were misused while they were consenting to medical intervention. In addition, Roma women face stereotypes of having "too many children" that persists from the socialist period when a policy of a financial compensation was paid to Roma women when being sterilised. This stereotype can be documented by a statement of a gynaecologist saying that "it is irresponsible to stimulate fertility in Roma settlements".³⁴ This approach is clearly inconsistent with general appeals to a changing of the demography and aging of the Slovak society and it illustrates prevalent racism of a society.

In addition to structural intersectionality, Crenshaw recognises political intersectionality. Women of colour are situated within at least two subordinated groups that frequently pursue conflicting political agendas. The agendas of the two groups are often defined by the experience of a "majority" group within these groups –antiracist agendas mainly by the situation of male part of minority and gender politics by white women's experiences.³⁵ Thus, in the case of Slovakia, the Roma movement is mainly focused on socio-economic issues such as employment, housing and education related to discrimination based solely on the grounds of ethnicity. The Roma movement does not at all deal with the issues of intimate citizenship. Similarly, the women's movement within this issue focuses on defending the legality of abortions, comprehensive sexual and family planning education and access to contraception. For a long period, the discourse has been framed only by experiences of majority middle class women, notions of socio-economically disadvantaged groups have remained rather sporadic and other cultural traditions almost completely omitted. The case of coerced sterilisation of Roma women shows how the issue remained marginal for both the women's and the Roma movements, as at the time of the publishing of the report and during intense media and international attention none of these groups joined advocacy efforts of the Centre for Civil and Human Rights; only two other human rights organisations from Slovakia supported their claims. The head of the Council of Roma Community NGOs even commented on the results of the Office of the Prosecutor's

³³ Crenshaw, 1991

³⁴ According to press release of the Centre for Civil and Human Rights published on May, 16, 2003.

<http://www.poradna-prava.sk/go.php?p=5>

³⁵ Crenshaw, p. 1252

investigation stating that “already two years ago we expressed our doubts that the report Body and Soul ... was not based on real facts.”³⁶ The only Roma representative that admitted some infractions of Roma women’s reproductive rights was the President of Roma Parliament after having attended a gynaecological conference in 2003. He stated that the conference proved the existence of segregation in gynaecological care.³⁷ Nevertheless, this statement, referring rather to other findings of the report Body and Soul than to coerced sterilisations, remained the only one from the side of Roma activists. Similarly, women’s organisations have remained silent throughout the years and started to consider the issue as being related to women’s rights as late as in 2008, and the issue was included in the CEDAW shadow report.

The reactions of the Slovak government to the report Body and Soul clearly show a lack of understanding of intersectionality issues. Despite some positive steps in the form of legislative changes aiming at avoiding coercive sterilisations in the future, such as a necessity of a written claim of a woman demanding sterilisation, 30 days delay between claim and procedure, and improvement of provision of informed consent, no structural measures improving the situation of Roma women with regard to reproductive health services has been adopted. The measures undertaken by the government concentrated solely on the issue of sterilisation and completely ignored other allegations of discriminatory practices raised by the report. Instead, the Committee of the Ministry of Health focused on the fact that Roma women do not attend regularly medical exams during their pregnancy and recommended to adopt a legal obligation of a woman to attend prenatal care at least eight times and if she did not, her maternal leave allowance will be cut back.³⁸ This recommendation puts additional obligations on Roma women instead of attempting to find solutions to obstacles that Roma women face in access to health care and ignores their situation (physical distance, limited financial resources, mistrust to medical personnel due to their behaviour, etc.). In addition, the government did not adopt any of the recommendations tackling structural intersectionality suggested by European parliamentarians investigating the cases of coerced sterilisations of Roma women. These recommendation included free of charge contraception for women with low income, gathering statistics on health condition of minority groups, impact assessment of policy measures on Roma communities and introduction of educational programmes on reproductive health directly in Roma settlements.

The cases of infringements of Roma women’s reproductive rights demonstrate both structural and political intersectionality as described by Crenshaw. Structural intersectionality leading to different application of Roma women’s reproductive rights is affected by traditions present in their communities, socio-economic factors and racist approach rooted in the majority population. Five years silence of both the Roma and the women’s movement proves how marginal intersectionality has been to their agendas. Moreover, failure of the state to adopt appropriate measures shows that despite the fact that the concept of intersectionality was highly relevant to the case, policy makers keep on ignoring its structural aspects. The introduction of the concept of intersectionality would be of great benefit to finding solutions and appropriate measures to inequalities Roma women and other, so far not enough recognised intersectionalised groups, face within the issue of intimate citizenship. The first positive step towards this direction was the inclusion of Roma women’s reproductive rights into the CEDAW shadow report. Joint advocacy effort of women’s and human rights’ organisations has led to an international pressure from the side of the Committee on the Elimination of Discrimination Against Women that has incorporated the issue of infractions of Roma women reproductive rights into its observations and urges the state party to adopt appropriate measures related to it.

³⁶ Press release published by TASR on October, 10, 2005.

³⁷ According to press release of the Centre for Civil and Human Rights published on May, 16, 2003.

<http://www.poradna-prava.sk/go.php?p=5>

³⁸ The measure was not adopted.

5.4. Intersections in gender based violence

The issue of gender based violence in Slovakia comprises two main sub-issues – violence against women, focusing mostly on violence in intimate relationships, and trafficking in women. Other forms of gender based violence are not covered by policy documents or by civil society texts. Although there has been a tradition of forced marriage in a specific Roma community, there are no data available whether it is still in practice or not.

The main intersectionality axis within the issue is gender-ethnicity. Notions of intersectional identities of Roma women (in policy texts sometimes referred to as women from ethnic minorities) and of migrant women can be found in two policy texts dealing with the issue (the National Action Plan against Violence Against Women and the National Action Plan for Combating Trafficking in Human Beings) as well as in a recent civil society text (CEDAW Shadow Report). Generally, it can be stated that policy documents, when dealing with women with intersectional identities, are mainly focusing on prevention while the approach of women's organisations is more integrated, although due to its novelty it is far from being complex.

With regard to other axes, a mere notion of the intersection of gender and age can be found in documents related to trafficking, in which the typical victim of trafficking is stated to be a woman between 18 and 25.³⁹ In addition, the National Action Plan Against Violence Against Women mentions a non-discriminatory provision in providing safe housing, support and counselling to women experiencing violence regardless their nationality, age, religion or income. Paradoxically, ethnicity is omitted despite the fact that women from ethnic minorities, migrant and socially disadvantaged women are identified in the prognosis as specific groups at risk. Similarly, the only two measures comprising elements of intersectionality are aimed at targeting these groups and other intersectionality axes are completely missing in the whole document with the exception of the abovementioned provision.

The policy documents identified three main factors of structural gender-ethnicity intersectionality (without naming it as such). They are: low level of legal awareness; lack of social contacts; and economic dependency.⁴⁰ Nevertheless, the proposed measures only focus on prevention and awareness raising, even ignoring two other factors identified by policy makers. The document on violence against women extended groups in risk by including migrant women and assigned the task to prevent violence to the Office for Migration and the Plenipotentiary of the Government for Roma Communities. In addition, research institutions carrying out research on violence are expected to include "possible specific situations of women from different cultural and social backgrounds (migrant women, women of different ethnicity and from socially disadvantaged groups)"⁴¹ into their research.

The National Action Plan for Combating Trafficking in Human Beings introduced a measure to prevent trafficking in women with the special focus to be paid to groups at risk such as Roma women and girls in institutional care (majority of the latter being Roma as well). Vulnerability of Roma women and girls in institutional care to be trafficked or involved in forced prostitution was proved by several non-governmental organisations.⁴² According to Buckova, the author of the chapter on Roma women in the CEDAW Shadow Report, women and girls from marginalised Roma communities represent one of the most vulnerable groups at risk of trafficking. Contrary to the majority population, for whom trafficking is connected to finding employment abroad, Roma women are searched for by traffickers in their own community. This fact indicates a conscious abuse of factors present in marginalised Roma communities such as poverty, social exclusion, low levels of education and a lack of legal

³⁹ In the National Action Plan for Combating Trafficking in Human Beings

⁴⁰ The National Action Plan against Violence against Women

⁴¹ ⁴¹ The National Action Plan against Violence against Women

⁴² International Organization for Migration, La Strada and People in Need.

awareness.⁴³ In addition, trafficking in human beings in Roma communities is connected to another problem specific for marginalised communities, namely usury. Forced prostitution or begging is often a way of paying off or settling debts to money lenders. According to Buckova, organised begging is often run by money lenders and targets women and small children.⁴⁴

Another group at risk consists of Roma girls leaving facilities of institutional care. According to a survey carried out by the NGO People in Need, some of these girls have experiences of providing sexual services at the age of 13 or 14. In many cases it is a “light” form of prostitution, meaning the provision of sexual services in exchange for material goods or fulfilling some goals, but the survey disclosed cases of forced prostitution as well, mainly after leaving institutional care or during their get-away from facilities. In general, these girls are not prepared for leaving the institution, cannot recognise risks and resist the traffickers.⁴⁵

As all the research done on trafficking in Roma women and girls was carried out by non-governmental institutions it is obvious that effective policies can be developed only by close cooperation of state agencies and civil society that have knowledge of Roma communities. So far, measures developed without having sufficient knowledge and information about the real situation in Roma communities prove to have no significant impact. The first step has already taken place when multidisciplinary working groups including representatives of civil society and Roma NGOs were created at the level of the National Coordinator of Combating Trafficking in Human Beings of the Ministry of Interior of the Slovak Republic.

Similar to the issue of trafficking, it is civil society that brings a more comprehensive view on the situation of Roma women experiencing violence in intimate relationships. Women's organisations together with Roma women activists are trying to identify structural obstacles Roma women face. Nevertheless, due to the lack of research their ideas are mostly based on assumptions and service providers' practical experiences with Roma women clients. The approach of women activist is closer to Crenshaw's understanding of the structural and representational aspects of intersectionality. According to Fenestra⁴⁶, one of the leading organisations dealing with the issue of violence in Slovakia, Roma women are situated at the intersection of three groups of myths and stereotypes. The first group comprises stereotypes toward Roma communities held by the majority population, e.g. ideas such as that the Roma prefer to live on social benefits to employment, the Roma being irresponsible and not taking care of their children. The second group consists of general myths of violence in intimate relationships such as that violence is a private matter; women provoke their partners to be violent and if she did not, the partners would stop their violent behaviour. The third group of stereotypes is connected to patriarchal traditions prevailing in some Roma communities. The combination of the abovementioned factors/groups of stereotypes may prevent a Roma woman from leaving her abusive partner because if she decides to live, there is a risk of being condemned or excluded from her community and at the same time the majority community will not accept her.

In addition, different socio-economic backgrounds, especially of those women living in marginalised communities, limit their access to services. Geographical exclusion, their economic situation, the lack of information and the lack of practical access to helping professionals usually provided through the telephone or the Internet further limit Roma women's access to services. The three-stage stereotypisation of Roma women experiencing violence lower their chances to find a safe living and

⁴³ The Shadow Report to the Committee on the Elimination of Discrimination against Women for the Slovak Republic jointly submitted by several women's and human rights organisations in May 2008, p 41.

⁴⁴ Ibid

⁴⁵ According to internal working material of People in Need.

⁴⁶ Specificities of the situation of violence against women survivors of ethnic minorities (Internal working material of Fenestra)

may lead to increased victimisation by services and agencies established to protect victims (police, social workers, medical personnel). Some clients of Fenestra have reported that they were not accepted to refugees due to their ethnicity and/or number of children. However, there is no official information on discriminatory practices by service providers.

In order to fully describe structural intersectionality within the issue of gender based violence more comprehensive research should be carried out. The same applies to the situation of migrant women when mostly quotations of international texts are used by Slovak women's organisations. Regarding political intersectionality, Crenshaw's theory cannot be fully applied, although it can be stated that service provision is mainly designed to address the needs of majority women. Violence and service provision are primarily presented as a majority issue in order to gain get public support, and more importantly, to obtain funding to combat and prevent violence. On the side of Roma community, it is mainly ignorance of violence and gender equality as such, and possibly the unwillingness to deconstruct patriarchal traditions by male leaders, which constitute the problem. However, there is no societal stereotype of Roma men being more violent than the majority population, despite the fact that crime rates of Roma are higher. The higher crime rates are connected to crimes against property rather than to violent crimes. Nevertheless, the issue of violence against women in Roma communities still remains on the margins of both the women's and the Roma movement, although some positive trends appeared recently. Further cooperation of Roma and non-Roma women activists is desirable in order to map the issue, to develop a complex approach responding to structural obstacles faced by Roma victims of gender based violence, and to undertake to adequate policy actions.

5.5 Summary and comparison

In Slovakia, the focus on intersectionality is largely ephemeral in all four QUING's issues, i.e. general gender equality, non-employment, intimate citizenship and gender based violence. Nevertheless, the issue of intersectionality – although not named as such neither by Slovak policy documents nor by civil society texts – has become more visible in the recent period. Policy documents increasingly recognise the problem of multiple discrimination or disadvantage and refer to the groups with intersectional identities by referring to specific categories of women; Roma women being the most frequent one followed by women from socially disadvantaged, marginalised or vulnerable groups or groups at risk.

When speaking about a relation between gender and other inequalities in (gender) equality policies in the Slovak context, we may speak about a detriment to the development of the gender+ equality policy from the perspective of non-existing specialised gender equality legislation and gender equality body. In Slovakia an integrated approach to equality policies has prevailed in the sense that gender is incorporated with other inequalities in the equality legislation, i.e. the 2004 Antidiscrimination Act and the 2001 Labour Code. Furthermore, the Slovak National Centre for Human Rights is a single equality body, which covers all inequality strands covered by the Antidiscrimination Act, whereas the role of the recently established Governmental Council for Gender Equality will be limited to the mainstreaming of gender equality policies into other sectors' policies and their implementation.

The main inequalities intersecting with gender in Slovakia are *ethnicity* and/or *class*, meaning multiple discrimination of Roma women. This particular inequality axis is the most common axis in both policy and civil society texts. There is an imbalance between the extent to which ethnicity or class is in focus. On the policy level, the intersection of gender and ethnicity (Roma) is dealt with mainly in the scope of Roma minority policies, which refer to both gender mainstreaming of minority policies and mainstreaming of ethnicity in gender equality policies. Gender equality policies include this intersection by notions of the special vulnerability of groups of Roma/socially disadvantaged women in relation to a certain phenomenon (e.g. trafficking), hindered access to information or services (e.g. reproductive health or gender based violence) but rarely as a specific target of proposed actions or special

measures. Contrary to the policy level, civil society pays greater attention to the gender-ethnicity axis, especially in recent years. The shift towards this particular dimension of intersectionality occurs both within women's organisations and Roma organisations.

Hence, among the four QUING's issues, multiple discrimination of Roma women is the most firmly posited in intimate citizenship, more precisely in relation to reproductive rights and the issue of coerced sterilisation of Roma women. The gender-ethnicity axis with reference to Roma women has become increasingly visible in gender based violence, particularly in relation to violence against women and trafficking, which stem from field findings and observations, such as the increasing number of Roma women seeking refuge in the centres for victims of violence and that Roma women and girls are more likely to be trafficked or involved in forced prostitution than non-Roma women and girls. Other inequalities intersecting with gender in Slovakia are *sexuality/sexual orientation*, which is visible solely in the sub-issue of sexual orientation discrimination and partnering, *age* which occurs both in non-employment (the issues of retirement age, the situation of women over 45 years and of younger women in the labour market etc.) and intimate citizenship (the issue of reproductive health of younger and elderly women), and *family status*, which marks the debates related to the amount of paid maternity leave and the form of allowances for parents on parental leave and employed parents with children up to three years of age. *Disability*, however, is virtually nonexistent or only obscurely present in intersection with gender.

The issue of intersectionality is the most present in intimate citizenship, more precisely in the sub-issue of reproductive health and rights, where it can be found both in policy and civil society texts. Nevertheless, the main difference between the two is that policy documents often refer only to vulnerable groups and list some intersectional identities (again without recognising intersectional aspects), while some civil society texts attempt to describe structural intersectionality, mainly related to the axis of gender-ethnicity. The latter is most frequently related to Roma women. The intersection of gender and sexuality/sexual orientation figures in civil society texts and in parliamentary debates on same sex partnerships, and particularly in relation to the legislative proposal regulating parental allowances and employment arrangements of the lesbian partner of a mother. The intersection of these inequalities is the least visible in non-employment, which can be attributed to the fact that non-employment is – with the exception of legislative provisions covering pregnancy and maternity leave – the most de-gendered of the QUING's issue. In gender based violence, intersectionality appears in relation to violence against women in intimate relationships (i.e. Roma women) and in relation to trafficking in human beings for sexual exploitation (i.e. Roma women and migrant women). Here, the main difference between policy documents and civil society texts is that while the former focus largely on the prevention, the approach of the latter is much more integrated and addresses the structural aspects of gender based violence and the structural obstacles that Roma women face (disadvantaged socio-economic position, anti-Roma racism, patriarchal family etc.).

We can say that the meanings of intersectionality extrapolated above do not change the definitions and practice of gender equality in Slovakia (see above). Furthermore, the intersections of gender and other inequalities (race/ethnicity, age, sexuality, family status, migrant status etc.) are frequently accompanying the processes of de-gendering, and thus, pointing to the most acute locations (re)produced by gender systems of domination and subordination. Therefore, although intersectionality is a source of controversy in the Slovak context, seen for example in the reluctance of the mainstream women's and Roma movement and the reluctance to address the infringements of reproductive rights of Roma women, it has a potential to become a powerful tool for improving the quality of gender equality policies.

6 Identifying changes and the relevance of different forms of intersectionality

The concept of intersectionality is underdeveloped in Slovakia. On a policy level, its occurrence is merely ephemeral and appears only within the issues of gender based violence and intimate citizenship. As it was described above, policy makers remain puzzled when they attempt to apply an intersectional approach and concentrate on identifying vulnerable groups rather than on analysing intersectionality and designing appropriate measures to address it. Even the understanding and implementation of gender equality in general still have many pitfalls in Slovakia and are far from being of adequate quality. The quality of gender equality policies is further diminished by the fact that it does not take into consideration structural qualitative differences that certain groups of women experience.

It is not surprising that civil society, represented mainly by the women's movement, has reacted to the current situation by advocating general standards of gender equality policies and for a long period has omitted intersectionality and the particular situation of women with multiple identities. Nevertheless, in recent years, some civil society organisations have tried to incorporate an intersectional approach or at least its elements into their focus and practice. Again, this approach is not equally divided between the issues and does not comprise all possible intersectionality axes. It is not always easy to identify what has led to this trend as the possible influences vary from having direct experiences of and cooperation with certain intersectional groups (ethnic and sexual minorities), the transformation of the political discourse through enhanced international cooperation, and the reaction to reality that has made new issues visible (such as publication of the report on sterilisation of Roma women), to changes at the labour market having specific impact on certain groups of women.

As abovementioned, intersectionality in gender equality still remains marginal in Slovakia and it is difficult to identify specific turning points or shifts towards intersectionality within the QUING's issues. Therefore the following chapters will focus on turning points within the respective issues taking into account possible impact and occurrence of intersectionality.

6.1. Changes in general legislation and machinery

The development of gender equality policies in Slovakia was highly influenced by the EU accession process. The most significant period was therefore between the years 2001 – 2004 when the *acquis communautaire* of the EU was transposed into Slovak legislation. Decade-long debates on gender equality and equality in general in the EU were thus speeded up into four years in Slovakia. As a result, the legislation was harmonized but not all of the concepts connected with gender equality have become embedded components of Slovak policy making. Probably the best example is gender mainstreaming that still remains an empty concept rather than a living policy practice even within the issues directly connected to gender equality as the example of non-employment has shown.

Although there were attempts to establish gender equality bodies before the transposition period, the impact of their functioning was rather low and no separate gender equality legislation was ever proposed despite numerous advocacy efforts of women's NGOs. During the EU accession period gender equality was merged with the broader equality discourse and transformed into one antidiscrimination legislation and one equality body. Although according to certain theories, the situation in Slovakia is favourable for an intersectional approach, an integrated legislation and national machinery have not stimulated an intersectional approach, per contra, it remains invisible. In addition, the history of the adoption of the Antidiscrimination Act signifies that an integrated approach may cause a slowing down of the whole equality agenda.

The Antidiscrimination Act in Slovakia 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 thanks to a cooperation of a

governing coalition and an opposition party. One of the most cited reasons was the inclusion of sexual orientation among the grounds of discrimination. The second attempt in 2003 opened up extended public discussion on the topic; international experts reviewed the draft, civil society organised a petition in support of the law and the governmental office responsible for the agenda prepared a public campaign promoting the law. Nevertheless, the government cancelled the campaign after a short time. Despite all the efforts, the proposal of the Antidiscrimination Act was again rejected twice – once as a governmental proposal and the second time as a deputy proposal proposed by the opposition. Although intolerance towards sexual minorities has persisted, the discourse shifted to a more “technical” one. The Christian Democratic Movement present in the governing coalition of the period argued that antidiscrimination 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 prime minister responsible for the agenda of human rights and the EU accession, maintained a position favourable to the adoption of the separate antidiscrimination legislation using the arguments of commitments towards the transposition of the EU legislation.

In 2004, the proposal of the Antidiscrimination Act was repeatedly until the governing coalition reached consensus. As a result of the consensus, the protection against discrimination on the basis of sexual orientation was not covered in all areas of concern (it was covered in the area of labour relations but not in the area of social security, health care and access to services). The full legal protection against discrimination on the ground of sexual orientation was finally achieved by the amendment of the Act in 2008.

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 in 2004. A parliamentarian introduced the provision on affirmative action stating 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, initiated a court procedure in the Constitutional Court on the consistence of the provision of affirmative action in the Antidiscrimination 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 discrimination. 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 universal principle of equality in other groups of people. The second attempt to introduce affirmative measures into the Act in 2008 was successful; however, due to the ruling of the Constitutional Court the proposed wording “racial or ethnic origin” has been changed and replaced by “forms of social and economic disadvantages”.

The process of the adoption of the Antidiscrimination Act in Slovakia shows that an integrated approach may bring certain pitfalls. The antidiscrimination discussion in Slovakia was limited to two grounds only: sexual orientation and ethnicity. Other strands were completely overshadowed by them. Moreover, the described case shows that in the integrated approach, one inequality when being perceived as controversial may inhibit or postpone equality policies for other strands.

6.2 Changes in non-employment

The first turning point within the issue of non-employment was in 2001 when the Labour Code containing antidiscrimination measures was adopted. Further shifts occurred during the series of social system reforms between the years 2002 – 2007 that changed the provision of parental leave, parental allowances, child allowances and equalised the retirement age. All have had an impact on the intersections of gender with (mainly) family status and age. In addition, some of these provisions may

be connected to the gender-ethnicity axis as the example of denial of maternity allowance to Roma women leaving hospitals after delivery has shown. Nevertheless, no complex impact assessment was carried out so the abovementioned issue remains so far the only documented example. In general, policies related to non-employment tend to be de-gendered and designed for a “universal citizen” and does not address particular experience of women, needless to say of minorities women.

Current demographic changes may result in a future shift in non-employment policies through the attempts to face an aging of population and decreasing fertility rates. So far, the discourse related focus mainly on fertility stimulation and pro-family measures rather than on aged/ageing women and men. Even the pro-family debates oscillate between the preservation of the traditional family as the sole guarantee of a stabilisation of demographic trends and approaches taking gender equality and measures that may facilitate a more equal share of family responsibilities and work life balance into consideration. Hopefully, further changes of the social benefit system and the labour market will take into consideration recent and future research on gender and intersectionality that may serve as an analytical basis for future policy development. Although up to now the research does not cover all possible intersections, it provides a solid base for intersectionality of gender and age, gender and family status and to a lower extent gender and ethnicity. In this respect, the EU focus on intersectionality may facilitate this approach in Slovakia by using the tool of European funding that has so far proved to be effective in bringing attention to otherwise disregarded issues related to employment. In addition, civil society is becoming more present in shaping non-employment debates although their voices are so far not sufficiently recognised by policy makers.

6.3 Changes in intimate citizenship

Changes in the issue of intimate citizenship were paradoxically connected to the backlash tendencies presented by the Christian party that was part of the governing coalition in 1998 – 2006. The *Basic Treaty between Slovak Republic and the Holy See* was signed in 2000 stipulating further treaties that might have significantly endangered reproductive rights in Slovakia. In addition, the same party filed a motion to the Constitutional Court objecting constitutionality to the Law on Abortions. These backlash tendencies mobilised the women’s movement and provoked lively public debate on reproductive rights. Despite some positive development, mainly preserving the current status quo, the debates continue in relation to further development of the issue. However, no significant changes have been achieved as the voices of the church and religious groups remain strong and so far have successfully blocked attempts to adopt more progressive reproductive health and family policies.

In addition, intersectionality was brought into focus by civil society pointing out unlawful practices of forced sterilisations of Roma women and discrimination of Roma women in access to health care services. Despite its controversy and the continuous refusal of the Slovak government to take responsibility, the case led to a constructive approach to sterilisation, informed consent and access to health care documentation resulting in positive changes in respective legislative provisions. Changes in the provision on sterilisation may prevent similar practices in the future. Nevertheless, the discrimination of Roma women in health care services persists. The case has shifted the attention to intersectionality within the issue of reproductive rights (despite a certain delay) that has become incorporated in the civil society discourse and to a certain extent in the discourse of the policy level as well.

The major turning point of debates on sexual minorities occurred in relation to the antidiscrimination debate starting in 2001 and the simultaneous attempt of LGBT organisations to advocate for the adoption of the same-sex partnership act that was proposed as a deputy draft in the Parliament in 2001 and rejected in January 2002. As already mentioned in chapter 6.1, sexual orientation as a ground for discrimination was rather a source of controversy leading to the postponement of the

adoption of the antidiscrimination legislation. The effort to legalise same-sex partnership continues up to now. Debates have contained intersections of gender and sexuality, both on policy and civil society levels, mainly regarding parenthood of lesbian couples and the possibility of adoption of children by homosexual couples. Nevertheless, it did not have any significant impact on gender equality policies in which lesbian women do not figure at all. Per contra, this particular intersectionality axis is becoming more recognised by civil society, e.g. the inclusion of lesbians' access to assisted reproduction as a reproductive rights issue in the recent CEDAW Shadow report.

6.4. Changes in gender based violence

The development of the issue of gender based violence was marked by constant pressure either internally – women's organisations in the case of violence against women or externally – international pressure in the case of trafficking in women. The major turning point within the issue of violence against women happened in 2001 and 2002 when a nationwide campaign against violence against women was carried out by a platform of women's organisations called The Fifth Woman. As a result of increased public attention and concentrated advocacy activities of NGOs, significant legislative changes regarding violence in intimate relationships were adopted in 2002. The opening of the issue of trafficking after 2002 was facilitated by international organisations such as the International Organization for Migration, international policy development, for example the signing of the Palermo Protocol and several critiques of the Slovak government from the side of international organisations (mainly US Department of State) for not complying with minimal standards for the elimination of trafficking in human beings. Both issues gained significant policy attention within the next years and national action plans were adopted (2005 – violence against women and 2006 – trafficking in human beings). Sexual harassment was introduced in Slovak legislation only in 2008 by the amendment of the Antidiscrimination Act and as a result of national and EU pressure.

Although both national action plans related to gender based violence comprise measures related to intersectionality, its presence is rather ephemeral and concerns only prevention and awareness raising of gender based violence. In addition, these measures focus exclusively on gender-ethnicity (Roma women and in case of violence against women also migrant women) as the most visible intersectionality axis in Slovakia. More intensive attention to intersectionality within gender based violence has occurred only recently and is stimulated by civil society that attempts to grasp structural differences that ethnic minority women face when being victims of gender based violence. This shift has been caused by more significant presence of Roma women as victims of violence or trafficking and international exchange of experience of Slovak NGOs dealing with the issues. So far, the intersectionality focus comprises only gender and ethnicity (mainly Roma women) and to lower extent migrant women and asylum seekers; other intersectionality axes remain unrecognised within the issue even by civil society. The intersectionality focus may lead to redefinition of policies related to service provision that up to now only rarely address specific needs that women victims of violence have and are almost inaccessible to minority women.

6.5 Summary and comparisons

The most significant turning point in the development of gender equality as well as of equality policies in general was the EU accession process that led to the adoption of antidiscrimination legislation and an integrated equality body. The transposition period mostly influenced issues of general gender equality and non-employment. In the remaining two QUING issues, turning points are more difficult to identify and if they occur they are connected to the national developments of the issues, and to a large extent stimulated by civil society activities (violence against women, same-sex partnership) or certain spectrum of political representation (reproductive rights) as well as by international development (trafficking). Nevertheless, none of these turning points in policy development has had a significant impact on the treatment of intersectionality. Despite the integrated equality approach adopted in

Slovakia, intersectionality remains marginal in equality policies and in the practices of the equality machinery.

The experience of Slovakia shows that the multiple strands approach and issues related to intersectionality may cause controversy resulting in both positive and negative impacts. The process of the adoption of the Antidiscrimination Act proved that controversial perceptions of one inequality within the integrated approach may inhibit the development of other inequality strands. In addition, certain inequalities may dominate the debate while others remain invisible, which on one hand may lead to the assumption that they are not perceived as problematic and on the other hand to insufficient public debate preventing further development of specific policies addressing these inequalities. Contrary to the previous example, the controversial case of forced sterilisation of Roma women pointed out certain gaps in legislation related to health care and led to constructive changes in some of these provisions though not all issues raised by the case were dealt with adequately. Nevertheless, the case proved that intersectionality may improve the quality of policies targeting not only specific inequalities of intersectional groups but the broader population as well.

The focus on various inequalities and forms of intersectionality are mostly brought to the discourse by civil society, especially in recent years. However, it is not always easy to identify what has led to the trend. The possibility of funding from the European Social Fund (ESF) has definitely facilitated the interest in intersections of gender and other inequalities in the area of employment. A majority of the research mentioned in this paper was produced as a part of ESF funded projects. In the issue of gender based violence the interest in intersectionality was provoked by facing reality such as the spread of trafficking in Roma communities or the increased number of women asking for services for survivors of violence in intimate relationships. The increased visibility of intersectionality within the issue of intimate citizenship is the most difficult to track. It might have been caused by the publication of the report on forced sterilisation of Roma women (see Zampas et al 2003); however, the delayed response from women's organisations indicates the opposite: that the inclusion of the issue was a sign of already increased awareness of intersectionality. In general, it can be stated that a shift in focus on intersectionality by the women's movement was also stimulated by an increased international cooperation and an attempt to transfer foreign experiences with intersectionality into a Slovak context and also by increased visibility of certain minorities (mainly ethnic and sexual) nationally.

It is clearly visible that special focus in Slovakia is paid to Roma women. The increased attention to intersectionality in relation to this particular group was also provoked by an intensive development of Roma activism and specifically by Roma women's activism. While a few years ago Roma women activists were mainly active in community development, in the last five years their awareness of gender equality issues has increased and they have started to find ways to incorporate gender aspects in their work. Simultaneously, women's organisations have responded to this new demand, firstly as gender equality educators for Roma women, continuously tailoring their methods to the needs of the target group and reflecting qualitatively different specificities. Enhanced experience with Roma communities and a reflection of the needs of Roma women have gradually led to greater involvement of Roma women issues. Similar development of mutual cooperation has happened between feminist and lesbian activists, where many individuals fight for both causes. Cooperation and insight into the experiences of lesbian women have led to the inclusion of lesbian (and partially gay) issues on the Slovak feminist agenda. Intersections of other inequalities are much less developed, probably because of a missing direct experience with other intersectionalities with gender by the women's movement and low interest in gender by organisations representing these inequalities.

In general, it can be stated that various forms of intersectionality were not an issue in the development of gender equality and related policies. The intersectionality approach is mostly brought to the discourse by civil society; however, up to now the knowledge on intersectionality was not transposed to the policy level despite its potential for improvement of quality of policies. Moreover, although some intersectionality forms in certain issues are well documented and analysed (e.g. gender and age in

non-employment), others are only started to be recognised (gender and ethnicity in gender based violence) and some forms keep on being invisible even by civil society (gender and disability). Cross-strand cooperation seems to be one of the most effective ways how to stimulate intersectionality concept within civil society. Coordinated approach of civil society may influence also policy agenda setting as it was proved by the development of the issue of violence against women in Slovakia. Becoming more visible in Slovakia, we can say that the intersectionality rather than multiple strands approach leads to enhanced and constructive attention to the issue after all and may serve as an important tool for mainstreaming gender equality across different policies and sectors.

7 Conclusions

The Slovak context over the QUING period was initially marked by the transition from communism and centrally planned market to parliamentary democracy and a free market of Western liberal capitalism, and then by the accession to and membership of the European Union. Such context has significantly re-shaped and transformed gender equality policy as promoted by the former socialist regime in such way that gender equality became a means to “build the democratic state, and equally, as one of the opportunities to use human potential to a maximum extent in rejuvenating the economy.”⁴⁷ Particularly, the EU policies and obligations during the accession period strongly affected gender equality and the equality agenda in policy formulation. Although the EU pressure significantly contributed to the formal implementation of the issue, it did not lead to an internalisation of these norms into Slovak society and policy making. Thus gender equality policies have remained on a formal level providing an existing framework for actions but never considered a priority for action or for implementation. Therefore the implementation is still lagging behind despite some positive steps in recent past, such as the creation of a new institutional mechanism specialised on gender equality and the promotion of a gender mainstreaming approach. In addition, the integrated approach to equality legislation covering multiple inequality strands proved to be a detriment to the development of gender equality as well as other equality policies in Slovakia rather than a stimulus for an intersectional approach.

In Slovakia, the focus on intersectionality issues has been largely ephemeral in gender+ equality policy. The increasing interest in intersectionality has become present in recent years and mainly in civil society text that cover, to an unbalanced extent, all QUING sub-issues. The occurrence of intersectionality in policy texts is limited to the issues of gender based violence and intimate citizenship. Civil society thus remains not only the main voice demanding gender equality but also the main voice stimulating the inclusion of intersectionality into it. In addition, cross-strand cooperation of civil society organisations proves to be an effective tool to enhanced and constructive attention to the issue. The meanings of intersectionality do not change the definition and practice of gender equality in Slovakia, on contrary, despite controversies connected with certain intersectionality issues they may improve the quality of (not only) gender equality policies.

Among the intersectionalities emerging across the QUING issues and in various policy documents and civil society texts, the axis gender-ethnicity and/or class, meaning in the Slovak context the multiple discrimination of Roma women, is the most visible and recognised intersectionality axis. This triadic convergence of gender, race/ethnicity and class regimes encapsulates perhaps the most acute location that may indicate how these systems of dominations and subordinations mutually constitute each other not only in the Slovak or Eastern European context, but also in the EU context. Furthermore, taking into account that multiple discrimination of Roma women has been the most blatant in the sub-issue of reproductive health and rights where the issue of forced sterilisations of

⁴⁷ The Concept of Equal Opportunities for Men and Women:
<http://www.employment.gov.sk/new/index.php?SMC=1&id=718>

Roma women has provoked the main social controversy, it is linked to sexuality and the domination of heteronormativity as well.

Other identifiable and visible inequalities intersecting with gender in Slovakia, relevant also in the EU context, are sexuality (in terms of discrimination of homosexual partners) and age. Namely, sexuality is becoming increasingly relevant in the debates on the equalisation of homosexual marriage and partnership with heterosexual marriage and partnership, the recognition of new family forms, of family benefits to same-sex spouses and partners, and of parenting rights and the right to adoption by same-sex couples etc. taking place across the EU. In the EU context, this is particularly relevant in relation to the right of free movement within the EU and in relation to immigration policy towards third country nationals (family reunion, legal residence and citizenship rights for same-sex partners of EU citizens etc.). Age is also one of the key structural inequalities across the EU, which will be even enhanced in the future due to the phenomenon of an aging European population. As it is the case of Slovakia, there is a tendency both of increasing of retirement age and of an equalisation of retirement ages for men and women. As it is the case of sexuality, also age is increasingly becoming a key structural inequality in the field of migration policy, as immigrants from the third countries tend to be younger than the European population.

To sum up, the national context is highly relevant in the reproduction of structural inequalities across the EU, because – as the analysis of the intersectionality in all QUING's issues, i.e. in general gender equality, non-employment, intimate citizenship and gender based violence, has shown – gender and other inequalities (i.e. race/ethnicity, sexuality, class, age, disability etc.) mutually constitute each other across different policy sectors of the EU. Therefore, in the making and implementing of the EU gender equality policies, substantive attention must also be paid to other structural inequalities than gender.

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