



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

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

**Consideration of reports submitted by States parties
under article 18 of the Convention on the Elimination
of All Forms of Discrimination against Women**

**Combined second, third and fourth periodic reports
of States parties**

Slovakia*

* The present report is being issued without formal editing. For the initial report submitted by the Government of Slovakia, see CEDAW/C/SVK/1 and Add.1 which was considered by the Committee at its nineteenth session.



Introduction

1. The Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as “the Convention”) was signed on behalf of the former Czechoslovak Socialist Republic on 17 July 1980. The ratification instrument was deposited with the United Nations Secretary-General, the depositary of the Convention, on 16 February 1982. Based on the provision of Article 27 paragraph 1, the Convention came into force for Czechoslovak Socialist Republic on 18 March 1982. The text of the Convention was promulgated through the Decree of the Minister of Foreign Affairs, published in the Collection of Laws under number 62 of the year 1987.

2. As the result of succession after former Czech and Slovak Federal Republic (previously the Czechoslovak Socialist Republic/Czechoslovak Republic), the Slovak Republic has become the State party to the Convention on 28 May 1993, with retroactivity from 1 January 1993. In keeping with the provision of Article 18 paragraph 1, in 1995, the Slovak Republic prepared the initial report on the Convention on the Elimination of All Forms of Discrimination against Women. In 1998, it was updated and in June 1998 the report was debated in the Committee for the Elimination of Discrimination against Women.

3. The Slovak Republic, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women, is submitting its combined Second, Third and Fourth Periodic Report on the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as the “Report”), pursuant to Article 18 paragraph 1 (b). The Report contains the information on legislative, judicial, administrative and other measures taken with a view to giving effect to the provisions of this Convention, as well as the information on the progress that has been achieved in this respect in the period between the discussion of the initial report in June 1998 and the year 2006.

4. The present document was prepared by the Ministry of Labour, Social Affairs and Family of the Slovak Republic and the Ministry of Foreign Affairs of the Slovak Republic, in cooperation with substantively pertinent sectors on the basis of the United Nations guidelines containing the recommendations that should be considered in the content and form of particular periodical reports on the Convention on the Elimination of All Forms of Discrimination against Women. (HRI/GEN/2/Rev.1/Add.2), in accordance with the general recommendations of the Committee on the Elimination of Discrimination against Women (hereinafter “the Committee”) and the concrete recommendations from the Final Commentary of the Committee on the Elimination of Discrimination against Women that were adopted on 30 June 1998 following the review of the initial report of the Slovak Republic.

5. The Report states the legal and other measures taken, which illustrate the progress achieved in the elimination of discrimination against women; the changes in achieving equality between women and men in the political, social, and cultural life; and the problems that still persist in the area and the tackling of which will be the object of further plans, intends and policies.

6. We have dealt with concrete recommendations from the Committee's Final Commentary, their implementation and potential explanations directly in the text of the Report.

7. The combined Second, Third and Fourth Periodic Report is submitted with a delay that was due to a number of factors. The accession of Slovakia to the North Atlantic Treaty Organization (29 March 2004) and subsequently the accession to the European Union (1 May 2004) called for intense preparation in the economic, social, cultural, political and other areas of the society's life and the transposition of the European legal norms in the Slovak body of law. Upon accession additional tasks and obligations have arisen for the new Member State that had to be discharged.

8. From 1993, through transformation, the Slovak Republic embarked upon a socially and ecologically oriented market economy, which brought about a number of changes. From 1998, and 2002, respectively, important reforms were launched in the Slovak Republic designed to catch up with the level of the advanced European states. In the areas of national policies of recent years the Government's priorities included the reforms of the health care, social affairs and pension security, as well as the transformation of the education system.

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

Demographic changes for the period of 1998 to 2004

10. The changes taking place during the social, economic and political transformation have also been reflected in the changes in the demographic behaviour, which can be seen in the development of a new reproductive pattern or family-related behaviour of the population. This involves particularly the delaying of the start of the family until the later ages of both the mother and the father, and thus also an increase in the average age of the mother at the birth of her first child, (from 23.3 years in 1998 to 25.32 in 2004), preference for a family with fewer children (a tendency to have one or two children is one of the long-term trends in the family behaviour in the SR), the increase in the number and proportion of live births of babies born outside marriage (from 16.9 % in 1999 to 24.8 % in 2004), etc.

11. The structure of the SR population by age and gender: of the total Slovakia's population of 5,384,822 (as of 31 December 2004) women comprised 51.5 per cent. The women's representation in the total population went up 0.1 percentage points, relative to the year 1999. In older age groups, women's superiority in numbers is even more marked – in the 65 and over age group, women make up as much as 62.6 per cent. As for age, in Slovakia the 0-14 population group still prevails over the 65 and over age group (there are 68.1 persons older than 65 per 100 children).

12. The age pyramid of 2004 continues to show a regressive population trend. It is characterised by annual declines in the populations of the younger age groups, which is associated with a sharply diminishing rate of birth. The demographic trends in the Slovak Republic are characterised by a long-term decrease in the birth rate. Over the recent 25 years, the level of birth rate dropped from 21.0 per mill to 9.5 per mill in 2002, with a slight increase in 2004 to 10.1 per mill. In

2004, there were 53, 747 live births of babies, i.e. 10 children per 1000 persons. In 2004 the total women fertility increased, year-on-year from 1.205 children per woman to 1. 247 children. Natality is shifted to a higher age (the average age of women at birth of the child went up in 2004 to 25.3 years for primiparas and to 27.2 years for all mothers). Two marked extensions in ages, around 25 to 30 years, and around 46 to 50, are the periods of high fertility from the 70-ties and 50-ties. (See the Annexes: Introduction – Annex 4).

13. Greater numbers of women aged 65 and over (62.6 % of the 65 and over age population group) are chiefly associated with the differing death men/women ratios at that age.

14. The trends in the development of the demographic processes are subsequently reflected in the population structure by family status. It is clear from the demographic indicators in Slovakia that marriage and family continue to retain their high status. However, the recent years have seen some changes in certain previous trends. Marriages are concluded at a higher age, the average age of fiancés has been rising (in 2004, the average age of the bride was 26.7 years, for all marriages, and 25.0, for first marriages; the average age of bridegrooms went up to 29.6 years, for all marriages, and to 27.6, for first marriages). The rate of divorce has been slightly rising; in 2004 the gross rate of divorce rose to 2.02 divorces per 1, 000 married cohorts. Both, the average period of a divorcing marriage and the average age of the divorcing cohorts have increased. Since 1999, the average period of a divorced marriage has increased 1.3 years and, in 2004, it reached 13.6 years. For the recent period (1999-2004), there are, on average, 1.5 children per one divorcing marriage with children.

15. There has not been any significant change in the decisions regarding the award of custody of children. Upon divorce, in majority of cases, children remain in the custody of mothers.

16. A vast majority of children are still born to parents that are married but the number of children born outside marriage is annually rising. In 2004, the proportion of children born outside of marriage reached 24.8 % of all live births. The rate of abortion has been dynamically falling, as was the number of deliberate terminations of pregnancy, with the rate of abortion in the SR showing a positively declining trend. In absolute terms, the number of deliberate terminations of pregnancy has been steadily decreasing, with the lowest figures seen in women with higher education. In 2004 there were 15.3 thousand terminations of pregnancy registered, i.e. by 4.6 thousand less than in 1999. While in 1999, there were 1.4 deliberate abortions per one woman of fertile age; in 2004 it was only 1.0. When comparing age categories, the reproductive behaviour of younger women seems to be more responsible – they rely on contraception rather than on abortion. The overall decline in the number of abortions is associated with the improved access to contraception, and/or better information regarding family planning. This is also evidenced in the growing proportion of women of fertile age using different methods of contraception (while in 1999 it was 21.1 %, by 2004 the proportion went up to roughly 25 %). Despite the availability of information and the broad range of contraception options, the women of the 25 to 29 age group still take the largest share in the total number of abortions. On the whole, we may note that the falling rate of abortion relative to that in the period of the SR Initial Report is a major success of the SR in this area.

17. After 1998, the gap in the rate of death between men and women has been maintained. Men die more frequently than women in all age categories, with the rate of death for middle-aged men (30 – 54 years) being three times as high as that for women. Mortality of children aged up to 5 years has been fluctuating. While in 1999, 42 children aged up to 5 years died per 100 thousand inhabitants; by 2002 the number of deceased children fell to 34, only to again rise in the next years to 44 children in 2003, and 46 children, in 2004, per 100 thousand inhabitants of the relevant age group. Infant mortality, which is the proportion of children dying within the first year of their life per 1000 live births, has shown a positive trend in Slovakia on long-term. With small fluctuations, the period between 1990 and 2002 was characterised by a declining trend. In 2002, the infant mortality reached 7.6 pro mill, in 2004, it fell to 6.8 pro mill.

18. The rate of birth and the rate of marriage, as well as the growing rate of divorce have had an effect on the changes in the structure and the size of the family in the Slovak Republic. The proportion of complete families, i.e. families with both parents, has been gradually falling, and the proportion of single-parent families has been rising. According to the data of the Census of the Population, Houses and Dwellings of 2001, complete family households made up 56.4 % of all households in the SR (in 1991 it was 67.3 %). This 56.4% of complete families could be further subdivided by economic activity into 40 % of those in which the woman was economically active, and 16.4 % of those in which the woman was a housewife (at the time of the Census). A single-parent family in Slovakia is a lone woman with child or children in 90 out of 100 cases. The number of single-person households has increased most. In 2001, the proportion of single-person households reached 30 % of all households, i.e., up 8 % over the year 1991.

19. Since the early 1990s, the number of informal cohabitations, i.e. cohabitation of partners without being married, has been slightly rising. In 2001, 2.6% of complete family households were partnership cohabitations (compared with 1.7 % in 1991). However, the Census would not be able to reflect much cohabitation in rented dwellings. Therefore, the actual incidence of this type of cohabitation is assumed to be higher.

Information on the accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to other international conventions in the human rights domain

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

21. The Second Optional Protocol to the International Covenant on Civil and Political Rights abolishing capital punishment was signed by the Slovak Republic on 22 September 1998 and ratified on 22 June 1999.

22. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which the Slovak Republic signed on 30 November 2001 and ratified on 14 June 2004 prohibits sexual and economic exploitation of children, as well as the trade in child organs.

23. On 30 November 2001, the Slovak Republic signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. It was ratified on 7 July 2006.

Important legislative changes in the area of human rights, particularly women's rights

24. By the constitutional Act No. 90/2001, amending the Constitution of the Slovak Republic No. 460/1992, as amended, in 2001, the institute of the Public Defender of Human Rights (Ombudsman) was established. The public defender of rights is a constitutional body whose status and activity is provided for in the Constitution of the Slovak Republic under Article 151a. The scope and the way in which the Ombudsman, an independent body, contributes to the protection of basic rights and fundamental freedoms is provided for in the Act No. 564/2001 Coll. on the public defender of rights, as amended. The National Council of the Slovak Republic elected the first public defender of rights on 19 March 2002.

25. In 2004, the Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on the amendment of certain acts (Anti-discrimination Act) was adopted which lays down, in a comprehensive way, the implementation of the principle of equal treatment and stipulates the legal means for cases of its violation. In June 2006 the European Commission expressed its reservations on the Act (for more detail see under point 51 of the Report). By adopting the Anti-discrimination Act the already existing Slovak National Centre for Human Rights has become the national body specialising in the combat against discrimination. A public tender is under way since 2005, with the participation of the Government Office of the Slovak Republic and the Ministry of Finance of the Slovak Republic, for building regional administrative capacities (7 regional offices) of the Slovak National Centre for Human Rights, based on the European Commission project - Developing regional structures for the implementation of anti-discrimination legislation. The main objective is to strengthen the Slovakia 's capacities in monitoring and in the provision of legal assistance to victims of discrimination in cases of violation of the equal treatment principle pursuant to the Anti-discrimination Act. The centres should be set up in 2007.

26. The period of 1999 - 2002 and also the year 2006 have seen major changes in the penal legislation of the Slovak Republic, which has contributed considerably to making the process of the elimination of violence against women and trafficking in women more efficient.

Government documents designed to promote equality between men and women

27. The Department of Family Policies and Gender Policies of the Ministry of Labour, Social Affairs and Family of the SR monitors the implementation of the Government documents and prepares information on their fulfilment:

National Action Plan for Women in the SR (hereinafter “NAP”), as a follow-up to Beijing Platform for Action, was approved by Government Resolution No. 650/1997 of 16 September 1997. NAP contains eight priority areas for action: to implement in practice the legally enshrined equal status of the woman in the family, employment and society; to create room for personal choice of life development strategies of women in the family, employment and the society; to create conditions for the elimination of economic disadvantages which may lead to material hardship of women; to shape public opinion to respect equality of men and women; to create conditions for the protection and promotion of women’s health; to create conditions for the elimination of violence against women; to create conditions for personal development and vocational realisation of women with lesser development chances (such as women living in rural areas, women of the Roma ethnic group, unemployed women, women inadequately prepared for their motherly role, women with disabilities); to promote the activity of organisations focused on the support and development of women at national and international levels (see the Annexes: Introduction – Annex 6).

28. The second document to ensure gender equality in Slovak society is the Concept of Equal Opportunities between Men and Women, approved by SR Government Resolution No. 232/2001. The concept identifies the tasks for the state and other subjects in the areas where gender discrimination manifests itself most markedly and defines 31 measures and recommendations for the implementation, with active participation of non-governmental entities. The application of equal opportunities in the SR includes the legislative and institutional provision, and, particularly, the practical implementation. State bodies, social partners, self-government, research institutions, non-governmental organisations, and other interested subjects cooperate in the implementation of the concept’s measures. (See the Annexes: Introduction – Annex 7).

29. In 2004, by SR Government Resolution No. 1092/2004, the National Strategy for the Prevention and Elimination of Violence Against Women and in Families was adopted with a view to create a coordinated and integrated cooperation of all relevant actors in preventing the rise of violence, ensuring prompt and efficient assistance, making effective use of the existing legislation in practice and gathering adequate knowledge base of the violence committed against women. In order to further pursue the strategy, the Government of the SR also approved the National Action Plan for the Prevention and Elimination of Violence Against Women for the years 2005 to 2008. We give more information on the above documents under Article 6.

Changes in the institutional provision for gender equality in 1998 – 2006

30. In the period under review, there has been a significant change in the institutional provision for gender equality issues.

31. At the level of parliament, the issues of equality between women and men were included in the agenda of the Committee for Human Rights and Nationalities, whereby the National Council of the SR Committee for Human Rights, Nationalities and the Status of Women was created. In 2002, this Committee set up the Commission for Equal Opportunities and the Status of Women which is, within the meaning of the Rules of Procedure, an advisory body for the National Council Committee for Human Rights, Nationalities and the Status of Women. The composition of the Commission reflects this remit. It is chaired by an MP (=NC SR member), a regular member of the cited

Committee and the remaining 18 members represent non-governmental organisations and the academia.

32. The Commission's role is to comment proposals for laws from gender equality aspects. The Chairman of the Commission presents conclusions from the debate in the Commission at meetings of the Committee. The Commission was commenting, for example, the anti-discrimination bill, the family bill, etc. The Commission gave its position also on some documents of non-legislative nature, such as the national strategy for the prevention and elimination of violence committed against women and in the families, or the agreement on the application of the reservation of conscience. It also dealt with other topical problems of the society, such as the social situation of medical nurses.

33. The Commission held a number of discussions on completing the institutional base for gender equality in the Slovak Republic. At the initiative of the Commission, the Minister of Labour, Social Affairs and Family was invited to attend the meeting of the Committee. The Commission organised a hearing with the Minister of this sector after her appointment to office. In addition to members of the Commission, the experts of the Ministry of Labour, Social Affairs and Family, the Section of the Government Office for Human Rights and Minorities as well as the trade union representatives also regularly attend the meetings.

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

35. An Expert Group for the Prevention and Elimination of Violence Committed against Women and in the Families was set up at the Government of the SR Council for Crime Prevention, working under the guidance of the Ministry of Interior of the Slovak Republic. The expert group was set up in 1999. Its activity was renewed on the basis of the Government Resolution No. 635, of 24 August 2005, on the proposal for the National Action Plan for the Prevention and Elimination of Violence against Women for the years 2005 to 2008.

36. The purpose of the resumption of the activity of the expert group is to coordinate the activities designed to implement, monitor and evaluate the implementation of the National Action Plan. It encourages formation of other task forces and teams, coordinating the formation of intervention teams having a relevant mix of professions and monitors progress, and designs the indicators on the basis of which the progress in the issues at hand is to be monitored in the future. These indicators are designed in conformity with the common European system for measuring progress in combating violence committed against women.

37. One task for the expert group, working in cooperation with those providing assistance to women, is to develop professional standards in the provision of adequate assistance and protection to individuals, victims of violence, for particular groups of workers concerned (police, social work,

health care, education etc.), as well as common standards for the provision of a coordinated procedure of the professions concerned for adequate assistance and protection of women against whom violence is committed. At the same time the group also draws up reports and updates documents and develops information materials, methodological guidelines for the provision of assistance to victims of violence and the education schemes for the professions working in courts, police and health care and social work with the women victims of violence.

38. The make-up of the expert group, as well as of the relevant working teams takes account of the cross-sectional nature of the given problems. Members include representatives of central state administration bodies, upper-tier territorial units, training institutions and non-governmental sector. The working teams include police officers, lawyers, healthcare and social workers, NGOs representatives, the staff working on help-lines, in advice centres of the offices of labour, social affairs and family, medical doctors, psychologists, teachers and self-government representatives, and others.

39. Within the Confederation of Trade Unions of the SR, the Commission for Equal Opportunities of Women and Men was constituted. The object of its activity is the furtherance of equal opportunities for men and women. The Commission makes efforts to achieve overall improvement in the status of women and men in the practice of trade unions and in the whole society. In 2005, the Commission was involved in the EQUAL Project of „Sexual harassment in the workplace“, the main objective of which is to change public attitudes to sexual harassment in the workplace and its elimination through gender sensitisation of employers and raising of their awareness of the forms and consequences thereof. Working with the Department of Family and Gender Policies of the MoLSAF SR, the Commission prepared „A guideline for collective negotiators in the area of equal opportunities” with a view to helping the inclusion of the equal opportunities issues in collective agreements.

40. In the recommendations of the Committee for the Elimination of Discrimination of Women, adopted in respect of the evaluation of the Inception Report of the SR on the Convention on the Elimination of All Forms of Discrimination against Women in June 1998 (The Report of the Committee on the Elimination of Discrimination of Women A/53/38/Rev.1, paragraphs 77 and 78), the Committee requested additional information on the provision for the work of the then existing Coordination Committee for Women’s Issues – organisational, personnel and financial, which at that time was the only body concerned with the issues at hand.

41. The Coordination Committee for Women’s Issues (CCWI) was established by the Government Resolution No. 7/1996 of 9 January 1996, as advisory, coordination and initiative body of the Government of the SR for the issues relating to the status and interests of women in all areas of life. The Committee members included Government officials, representatives of the NC SR, non-governmental women’s organisations, trade unions, municipal authorities, selected central bodies of state administration, research institutions, churches and experts concerned with the issues of women, families, children and youth. The Committee operated until the end of the Government’s term in 1998. In the new term, the Committee was transformed into an inter-ministerial expert body of the minister of labour, social affairs and family, without changing its title, or the chair which continued to be the minister of labour.

42. The Coordination Committee for Women's Issues had limited or minimal decision making powers, therefore, the Ministry of Labour, Social Affairs and Family decided to solve the question of the status of the body that was to secure the women's issues in another way than through strengthening the Coordination Committee. The Coordination Committee for Women's Issues terminated its activity in 2002; its agenda was taken over by the Department of Equal Opportunities within the structure of the Ministry of Labour, Social Affairs and Family. Thereby, the issues of gender equality should be addressed within a permanent structure of the labour sector with competences going beyond those of advisory body, which CCWI had been.

43. In 1999, the Department of Equal Opportunities was set up whose competences in 2003 were strengthened to incorporate also the area of anti-discrimination. The department was renamed the Department of Equal Opportunities and Anti-discrimination. In 2005, within the transformation of the structure of the Ministry of Labour, Social Affairs and Family, it changed its remit to match with its new title – the Department of Family and Gender Policies (hereinafter „DFGP“). Financing of the department's tasks is implemented through the sectoral budget and is governed by a determined budget.

44. The competences of the Department of Family and Gender Policies are given by its position within the structure of the MoLSAF SR and the Ministry's Organisation Chart. The subject matter of the department follows out of the Government Programme Statement and the conceptual intends of the MoLSAF SR. This information is publicly available on the internet pages of the Government of the SR and of the MoLSAF SR (www.vlada.gov.sk and www.employment.gov.sk).

45. The Department of Family and Gender Policies in cooperation with other departments of the Ministry of Labour, Social Affairs and Family discharges the tasks of the Ministry in the conceptual and legislative areas, for example, it develops state policies for the area of family and gender equality; draws up strategic and conceptual documents relating to family policy, gender equality, population and migration policy; creates conditions for the implementation of the policy of reconciliation of work and family life; evaluates and updates documents in the area of family, women and equal opportunities between women and men (the National Action Plan for Women, the Concept of Equal Opportunities of Women and Men, the National Strategy for the Prevention and Elimination of Violence Committed against Women and in the Families, the National Action Plan for the Prevention and Elimination of Violence against Women). In the area of international cooperation, it renders cooperation in the implementation of the EU law and the international conventions in the area of equal opportunities; it coordinates international projects in the area of gender equality and discharges the tasks related to the membership of the Slovak Republic in the EU and other international organisations. In the area of social and economic analyses, it analyses the results of special measures in the social domain from their economic aspects, as well as the impacts of particular measures in the social and employment areas from gender aspect, and analyses the social development options from the aspects of demography, population trends; monitors, gathers and evaluates the demographic data on the Slovak Republic and on Europe.

46. The Department of Family and Gender Policies, equally as its predecessor, the Department of Equal Opportunities cooperated with non-governmental organisations in drafting and evaluating the

basic documents of the Government SR concerned with gender equality (the Report of the Committee on the Elimination of Discrimination against Women A/53/38/Rev.1, paragraphs 83 and 84). Non-governmental organisations had a major share in initiating and preparing legislative changes in the area of violence committed against women. Intense cooperation through a working group was instrumental in the preparation of the document of the “National Strategy for the Prevention and Elimination of Violence Committed against Women and in the Families”. Based on the Directive for the preparation and submission of materials for the Government debate and the Legislative Rules of the SR Government, non-governmental organisations have possibilities to give their positions on any new act, Government document or other materials within the commenting procedure, either in writing or electronically.

47. At some sectors there are also departments having gender issues as part of their agenda. (Ministry of Justice of the SR, Ministry of Foreign Affairs of the SR, etc.)

Other activities

48. In the period between 21 March and 15 November 2005, the Slovak National Centre for Human Rights organised a series of information seminars that are part of the activities of the information campaign launched in accordance with the Community Action Programme to combat discrimination and the European information campaign titled “For diversity. Against discrimination.” The objective was to raise the legal awareness of the public in the area of the implementation of the principle of equal treatment and to combat discrimination. On 8 December 2005, the Centre launched another information campaign titled the Series of activities of the information campaign on the theme of prevention of discrimination, prepared under the closed call VP/2005/014 of the European Commission, in accordance with the programme supporting the implementation of projects of national authorities (the EU Member States) that are concerned with discrimination. The purpose of the project, due to end in November 2006, is to inform the public about new rights and obligations following out of the national anti-discrimination act in which the European anti-discrimination directives have been incorporated; the new forms of discrimination; and about the legal protection and procedures in matters of infringement of the principle of equal treatment.”

49. On the occasion of the 25th anniversary of the adoption of the Convention on the Elimination of all Forms of Discrimination against Women, the Ministry of Foreign Affairs of the SR hosted the seminar, “Protection of women’s human rights on the ground of the UNO”. The guests at the seminar were experts in gender equality issues, which enabled the public to get a comprehensive insight into the evolution of gender equality on the premises of the UNO and see the significant position of the Convention as a legal instrument in the elimination of discrimination against women. The seminar was also attended by representatives of the women’s non-governmental organisations, hence it offered a good platform for exchange of views while at the same time highlighting the shortcomings that will need to be adequately tackled by the Government of the SR in the future.

Part I

Article 1. Discrimination

In the period under review there was a change in the definition of the prohibition of discrimination in the SR legislation

50. The position of women in the Slovak society is based on the basic legislative norms and international conventions that are binding on the Slovak Republic. The Constitution of the Slovak Republic comprises the general framework that lays down prohibition of discrimination and equality before the law. Article 12 of the Constitution guarantees the basic rights and freedoms for all, without distinction on the grounds of sex, race, colour of skin, etc. while at the same time providing that nobody can be harmed, placed at an advantage or disadvantage on these grounds.

51. The term discrimination was newly defined in 2004, namely by the Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on the amendment of certain acts (Anti-discrimination Act). The Anti-discrimination Act distinguishes several forms of discrimination: direct and indirect discrimination, harassment and victimisation. An instruction for discrimination or incitement for discrimination is also deemed to be discrimination. These definitions are the results of the transposition of the Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin, and the Council Directive 2000/78/EC of 27 November 2000 Establishing a General Framework for Equal Treatment in Employment and Occupation (see the Annexes: Article 1 – Annex 1). The European Commission, in respect of the transposition of the Council Directive 2000/43/EC of 29 June 2000, sent a formal communication to the SR by the letter of 28 June 2006 by which it commenced proceedings in the matter of incomplete or incorrect transposition of the cited directive. The SR replied to the formal communication by accepting the observations regarding incomplete or incorrect transposition and undertook to prepare an amendment of the Anti-discrimination Act.

52. The Anti-discrimination Act regards as direct discrimination any act or default in which a person is treated less favourably than another is, has been, or would be treated in a comparable situation.

53. Indirect discrimination is defined as an apparently neutral provision, decision, instruction, or practice that puts a person at a disadvantage compared with another person; indirect discrimination shall not occur where such provision, decision, instruction or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

54. The Anti-discrimination Act does not distinguish the nature of harassment and deems it generally to be discrimination. The Directive 2002/73/EC of the European Parliament and the Council, amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions defines “sexual harassment” as unwanted verbal, non-verbal or physical conduct of a sexual nature, which occurs with the purpose or effect of violating the dignity of a

person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. It will clearly follow from the above that the Anti-discrimination Act defines the term “harassment” more broadly than “sexual harassment” and hence indirectly comprises also “sexual harassment”.

55. Subject to §6 paragraph 3 (a) of the Anti-discrimination Act (the Principle of equal treatment in employment relations and analogous legal relations) as discrimination on the grounds of sex is also regarded discrimination on the grounds of pregnancy or maternity, as well as discrimination on the grounds of sexual or gender identification.

56. The new interpretation of the term discrimination has been subsequently reflected in other provision as well. The most important of them include: the Act No. 311/2001 Coll., the Labour Code, the Act No. 312/2001 Coll. on Civil Service and on amendment of certain acts, the Act No. 552/2003 Coll. on performing of work in public interest, as later amended, and others

Article 2. Legislative and political measures

Article 2 (a)

57. In the constitutional legal provision for the principle of equality between men and women there have not been any significant changes. In the period under review, however, there have been new legal provisions, or amended provisions adopted that embody the principle of equality between men and women:

58. The Anti-discrimination Act - On 1 July 2004 the Act No. 365/2004 Coll on equal treatment in certain areas and protection against discrimination and on amendment of certain acts (Anti-discrimination Act) went into force that, in a comprehensive way, provides for the application of the principle of equal treatment and lays down the legal instruments of protection in cases of its violation. It prohibits all forms of discrimination on the grounds of sex, while it does not take into account whether the reasons leading to it were based on the fact or faulty assumption. The act also introduces the exemptions from the principle of equal treatment that allow different treatment under concrete specified conditions.

59. The Anti-discrimination Act prohibits discrimination of persons on the ground of sex in social security, healthcare, goods and services provision and in education. Equally it prohibits discrimination on the ground of sex in employment relations and analogous legal relations, with discrimination on the grounds of pregnancy or maternity, and discrimination on the grounds of sexual or gender identification being also regarded as discrimination in this area.

60. The Labour Code – the Act No. 311/2001 Coll., the Labour Code, went into force on 1 April 2002. The Labour Code is the principal act in the whole area of employment relations, with the fundamental principle being that natural persons have the right to work, and to free selection of employment, to fair and satisfactory working conditions and to the protection against unemployment without any restrictions and direct or indirect discrimination on the grounds of sex, marital and family status, etc. This principle is provided for in more detail in individual paragraphs of the act within the

meaning of which the employer is obliged to treat the employees in employment relations in compliance with the principle of equal treatment, provided for under the Anti-discrimination Act. (See the Annexes: Article 2 – Annex1).

61. The exercise of the rights and duties following out of the employment relations must conform to good morals. In accepting an individual in employment the employer may not violate the principle of equal treatment. Where in the rise of an employment relationship an employer would violate this obligation, the individual shall have the right to reasonable pecuniary compensation.

Apart from the acts referred to above, other legal regulations also embody the principle of equality between men and women. They include in particular:

- Act No.305/2005 Coll. on social and legal protection of children and on social curatorship and on amending of certain acts,
- Act No. 5/2004 Coll. on employment services and on amendment of certain acts, as later amended (§14, § 62 paragraphs 2 and 3),
- Act No. 552/2003 Coll. on performing of work in public interest, as later amended (§5 paragraph 2),
- Act No.553/2003 Coll. on the remuneration of certain employees at performing of work in public interest and on amendment of certain acts, as later amended,
- Act No. 461/2003 Coll. on social insurance, as later amended. By this legal regulation the Slovak Republic has implemented a transformation of the social security system into a social insurance system, while in relation to the legal provision effective until 31 December 2003, the right is guaranteed to receive a social insurance benefit essentially under the same conditions, with elimination of preferences,
- Act No. 312/2001 Coll. on Civil Service and on amendment of certain acts, as later amended (§ 3),
- Act No. 36/2005 Coll. on the family and on amendment of certain acts,
- Act No. 124/2006 Coll on safety and health protection at work and on amendment of certain acts,
- Act of the National Council of the SR No. 308/1993 Coll. on establishing the Slovak National Centre for Human Rights, as later amended (particularly §1),
- Regulation of the Government of the SR No. 272/2004 Coll. by which the list of works and workplaces is established that are prohibited to pregnant women, to mothers until completion of the ninth month after childbirth and to breastfeeding mothers, the list of works and workplaces associated with specific risks for pregnant women, mothers until completion of the ninth month after childbirth, and for breastfeeding mothers, and by which certain obligations are prescribed for employers in employing these women,

- Regulation of the Government of the SR No. 357/2006 Coll on details and factors of work and working environment in relation to the categorisation of work activities,
- Regulation of the Government of the SR No. 286/2004 Coll., by which the list is established of works and workplaces that are prohibited for the young employees,
- Regulation of the Government of the SR No. 391/2006 Coll. on the minimum safety and health requirements for the workplace,
- Regulation of the Government of the SR No. 396/2006 Coll on the minimum safety and health requirements for the building site,
- Regulation of the Government of the SR No. 355/2006 Coll on the protection of employees against the risks associated with explosion by a chemical factor at work
- Regulation of the Government of the SR No. 281/2006 Coll on the minimum safety and health requirements for manual manipulation with loads.

Article 2 (b)

62. The Anti-discrimination Act, as well as the amended legal regulations above, prohibit all forms of discrimination against women and, where appropriate, also provide for sanctions:

63. Based on the Anti-discrimination Act, all persons who consider themselves to be or to have been wronged in exercising their rights, legally protected interests or freedoms by failure to apply the principle of equal treatment to them can claim their rights before the court. In particular, they may demand that whoever has failed to apply the principle of equal treatment to them should abstain from his or her act, and where possible, rectify the illegal state, or provide reasonable satisfaction. If reasonable satisfaction was not sufficient, he or she may claim also compensation for non-proprietary injury in cash. The court shall determine the amount of damages for non-proprietary injury, with account taken of the gravity of non-proprietary injury caused, and all the circumstances under which it has occurred.

64. The right to damages or the right to any other compensation under special regulations shall not be affected by the Anti-discrimination Act.

65. Under §13 of the Labour Code, an employee has the right to file a complaint with the employer in respect of contravention of the principle of equal treatment and the employer is obliged to respond to the employee's complaint without undue delay, take remedial steps, abstain from such act, and eliminate its consequences. An employee who believes that his or her rights, or legally protected interests have been wronged by failure to comply with the principle of equal treatment, may take it to the court and claim legal protection, established by the Anti-discrimination Act. The employers may not disfavour or harm employees for enforcing their rights arising from the employment relations.

66. Under the Act No. 125/2006 Coll. on labour inspection, and on amendment of certain acts, as later amended, the Labour Inspectorate is authorised to conduct inspection of compliance with regulations, order the elimination of the shortcomings found, and, on the basis of establishing any contravention of regulations, prohibit performance of work and finally impose on the employer penalties for the contravention of employment regulations providing for the rise, change or termination of employment relations, working conditions, of employee, including women, the adolescent and the persons with altered work capacity, wage regulations, obligations arising from collective agreements, legal regulations providing for the prohibition of illegal work and illegal employment.

67. As regards increased punishments or penal sentences in the case of violent offences, see under Article 6 of the Convention.

Article 2 (c)

68. The Constitution of the Slovak Republic, in its Article 46, provides for the right of every person to claim his or her right by a legally stipulated procedure before an independent and unbiased court and, in the cases prescribed by law, also before another authority of the Slovak Republic, while further stating that all parties to the proceedings shall be equal before courts. In this respect there has not been any change. The principle of equality before the court is further specified in the relevant substantive and procedural regulations.

69. By the ratification of the Optional Protocol to the Convention on the Elimination of All Forms Discrimination Against Women the Slovak Republic made it possible for individuals or groups under set conditions to turn to the Committee on the Elimination of Discrimination against Women. The Committee will disregard those communications that do not certify that all national instruments available have been exhausted, with the exception of those cases where the use of these remedial instruments has been disproportionately protracted, or is unlikely to bring effective remedy. In this regard, the Criminal Code has not been changed in the period under review (1998 to 2005). The same system of remedial instruments continues to be in force in the legal criminal proceedings.

Other public institutions making provision for the protection of women against discrimination

70. The Slovak Republic has become another country to provide in its rule of law the institute of the Ombudsman – the public defender of rights. The public defender of rights is a constitutional body whose status and activity is provided for in the Constitution of the Slovak Republic under Article 151a, with the activity being further specified in the Act No. 564/2001 Coll. on the public defender of rights, as amended. The public defender of rights is an independent body which, in the scope and in the way provided for by law, contributes to the protection of basic rights and freedoms of natural persons and legal persons in the proceedings, decision making, or inactivity of public administration authorities, where the proceeding, decision making or inactivity is at variance with the law and order or the principles of a democratic and legal state.

71. The Slovak Republic has not established a separate ombudsman for the issues of gender equality because these issues are regarded to be integral part of the protection of human rights and are

addressed just as any other violation of human rights. The public defender of human rights acts on the basis of a filing, or on his own initiative. Everybody who feels that in the proceedings, decision-making or inactivity of the public administration authority their basic rights and freedoms, contrary to the law and order, or the principles of a democratic and legal state, have been violated can make a filing with the public defender of rights. It is not relevant whether the filing involves the violation of the basic human rights and freedoms of the person making the filing or another person. The public administration authority is obliged to deal with the evidence that the public defender of rights proposes in the reasoning of the judgement as well as the measures that he proposed. Where the public administration authority fails to grant the application of the public defender of rights, he shall notify this fact to the public authority's superior body, and if no such body exists, to the Government of the Slovak Republic.

72. If the public defender of rights in handling the filing establishes a fact suggesting that the law, other generally binding regulation, or an internal regulation issued by a public administration authority contravenes the basic rights and freedoms of natural or legal persons, he may file a petition for a change or abolishment of it at the competent authority. The authority to which the public defender of rights filed the petition must notify the public defender of rights, within thirty days, of the measures that it has undertaken on the basis of the petition.

73. Of the total more than 5,000 petitions delivered to the public defender of rights, in 37 %, the petitioner has been a woman. One such petition filed to the public defender of rights concerned discrimination against women. It was filed by a collective of secondary school employees who alleged in their petition that the school director did not deal with the complaint they had lodged against one of the senior staff that applied psychological terror every day by his statements degrading female sex. The public defender of rights examined the petition and found that the employment relations with the senior employee concerned were addressed within the organisation's operative meetings. The senior employee was served a warning and was expressly requested to solve his relations with the subordinate staff in an appropriate manner. At the public defender's request inviting information and a statement of the position the school director notified the Ombudsman that the senior employee was given a notice. The Ombudsman suspended the matter at hand since the dispute between the employee and the employer over claims arising from the employment relations was pending and is to be decided by courts, its solution not falling within the jurisdiction of the public defender of rights.

74. In 1993 the Act No. 308/1993 Coll established the Slovak National Centre for Human Rights, whose competences were amended by the Anti-discrimination Act so as to include among its basic tasks also legal assistance rendered to victims of discrimination and manifestations of intolerance. At the request by natural persons, legal persons, or at its own initiative it issues expert positions in matters of compliance with the principle of equal treatment pursuant to the Anti-discrimination Act. The Centre is also authorised to represent parties to the proceedings in cases of the violation of the principle of equal treatment (currently the Centre represents a woman of the Roma origin before the court contesting harassment at the workplace on the ground of association with that nationality – ethnic group).

75. By the end of first half of 2006, the Centre received circa 70 petitions for scrutiny in the area of discrimination against women. They concerned in particular the access to employment, when the applicants were prevented from their professional assertion only on the ground of being of female sex. One particular case involved a woman that upon graduating from a school of theological specialisation applied for the position of a preacher in an employment relationship. The body to which she sent her application for employment rejected her application giving as reason that their Church pursuant to the teaching of the Bible appoints exclusively males to the positions of preachers. The Centre deemed such acting to involve direct discrimination against the applicant on the ground of sex, and informed her about her options for solution of her problem, as well as on the possibility of the Centre to represent the applicant before a court. Another case involved a female medical doctor – specialist in the relevant branch of medicine, with first- and second-degree specialisation certificates who entered a competitive selection procedure to fill a vacated surgery position in her specialisation. The successful candidate in that selection procedure was a male, who at that time had only a first-degree specialisation certificate, with fewer years of experience than the female applicant in the relevant branch and hence satisfying to lesser extent the objective selection criteria. The Centre assessed her application as direct discrimination against the female applicant on the ground of sex. At present, the decision by the competent court in that case is pending.

76. In a case regarding retention of employment (selection procedure in relation to organisational change) there were additionally further requirements imposed upon the female employee only after successful selection procedure, whereby she was directly discriminated against. The discriminated woman applied to the Centre for issuing its position in the action for damages in non-proprietary loss before the court. The legal action ended in settlement (the woman concerned withheld her charge) by providing high damages for the non-proprietary loss to the woman concerned.

77. The Slovak National Centre was also considering the cases of harassment in the workplace (of which about 10 were cases of sexual harassment) and the discrimination in termination of employment.

Article 2 (d)

78. All public authorities and institutions of the SR are obliged to refrain from engaging in any act or practice of discrimination against women. Equally, the Anti-discrimination Act imposes on the courts, the prosecution and other state administration bodies, local self-government authorities, interest self-government bodies, and other public law institutions an active obligation, upon request from the Slovak National Centre for Human Rights, to provide information on respecting of human rights within the stipulated period.

Article 2 (e), (f), (g)

79. No changes of significance have occurred.

Article 3. Ensuring the human rights and fundamental freedoms

80. In the Slovak Republic gender equality is constitutionally provided for (Article 12 of the Constitution of the Slovak Republic) in all fields listed under Article 3 of the Convention. In the reported period, a number of measures, both legislative and non-legislative in nature, have been adopted to ensure improvement in the position of women:

81. Between 2002 and 2004, the Parliament of the SR approved several essential reforms in the social sphere. Changes concerned, in particular, the system of social assistance and family policies, the reforms of the labour market and employment policies, as well as the reforms of the social insurance, and the pension security, the latter being transformed, with effect on 1 January 2004, into a pension insurance system whereby it has become one of the subsystems of the social insurance. The reforms have been developed on the basis of the “Strategy of supporting the growth in employment through changes to the social system and the labour market” and were drawing on a philosophy of motivation for active search for and retention of employment.

82. Based on the reforms referred to above, the state also set about supporting families with children according to new rules set out in the relevant amendments of the acts. In respect of every dependent child the state provides a flat-rate child allowance irrespective of the family income, but not longer than until the child is 25 years old. The parents that are gainfully employed can also get a monthly tax bonus in respect of every dependent child, which acts as an incentive in the job search and retention of employment also in the case of lower pay, and at the same time helps the lower income groups (it is provided on the basis of zero tax). Until 31 December 2005, the state also supported families with the contribution advantage (one of the parent could reduce his/her mandatory contribution liability for pension insurance by 0.5% in respect of every dependent child, without it having an effect upon his or her pension).

83. On 1 July 2005, the Act No 244/2005 Coll. entered into force amending the Act No. 280/2002 Coll. on parental allowance, as amended. The new legislation unified the amount of parental allowance for the parent, who, personally takes care of her/his own child and for the parent involving in gainful employment. At the same time, it permits to pay up the parental allowance to the maternity allowance where this sickness insurance benefit does not reach the amount of parental allowance, whereby the inequality has been removed in financial provision between a gainfully employed parent and a parent who prior to the child’s birth had not been involved in gainful employment.

84. In conformity with the European directives the Labour Code provides for a parental leave allowing the entitlement to the leave without pay on the ground of childcare to arise not only to a woman but also a man, provided he takes care of the born child. Thus the entitlement to parental leave has become a non-transferable right of every parent.

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

86. For the elimination of discrimination against part-time work the Labour Code expressly provides for a guarantee of equal working conditions for the employees working shorter hours with those of the employees working the established weekly working time. Only a small percentage of workers use shorter working time. For example in 2002, 1.9% of workers worked part-time - 1.1 % of men and 2.7% of women. The women/men ratio working part-time was 67.2 % women over 32.8 % men. According to the research in 2001, women prefer flexible working time to shorter hours of work, which is associated with the reduction in income.

87. By the adoption of the Act No. 461/2003 Coll. on social insurance, as amended (hereinafter referred to as “the Social Insurance Act”), with effect from 1 January 2004, a reform change has taken place in the area of social security. The new Social Insurance Act laid down a period of pension insurance that is conditional for the rise of the entitlement to old-age pension uniformly for men and women, namely in the scope of minimum 10 years, and a phasing in of increased and non-discriminatory unification of old-age pension age for men and women, at 62. Though this legislation entails increasing retirement age for women, it also brings about a possibility to reach higher pension with regard to more years worked.

88. By the Act No. 43/2004 Coll on old-age pension saving and on amending of certain acts, as later amended, individual saving accounts or personal old-age pension saving was introduced whereby greater merit-relatedness is achieved in the pension system. At the same time options are put in place to draw an early old-age pension, or to draw a pension along with gainful activity, which gives women and men freedom of choice with regard to their social and health situation, to increase their income in addition to pension and thus also their financial independence and the quality of life.

89. Employment in the SR economy, which in the period of 1997 to 2000 had a declining trend, has been gradually increasing since 2001. The employment of women in 2004 has increased 1.3%, compared with the year 2000. The growth was seen in the number of women working, particularly in the 50 - 54 age group (by 25.1 thousand persons, i.e. 23.8 %) and in the 55 plus age group (by 10.9 thousand persons, i.e. by 40.5 %). In many cases women’s employment and self-employment is solved through various projects, with the involvement of the offices of labour, social affairs and family, the employers’ organisations, as well as the non-governmental organisations.

90. For the purpose of achieving progress in the elimination of gender segregation in the labour market and overcoming the existing obstacles, training programmes were started designed for the employment services staff in the area of equal opportunities and the elimination of manifestations of discrimination and gender stereotypes within the European Social Fund, as well as the programmes of monitoring of the labour market from the aspect of the application of the principle of equal opportunities, with special regard to the access to employment, access to vocational training and

preparation for it. Implementation of various projects, funded or implemented by competent organisations and institutions, such as the Programme of the individualised employment services - a component part of the National Action Plan of Employment – also contributes to the solution of the above problems. Within practical activities for the creation of conditions facilitating the entry of women in the labour market various entities offer retraining courses, training, motivation courses, counselling and psychological courses for the elimination of the psychological barriers in the job search and assertion in employment and many other activities.

Government documents

91. The Government of the SR adopted the Concept of Employment Policy for the years 2002 – 2003 and its objectives have been elaborated on in the National Employment Plan and in the National Action Plan of Employment for 2002 – 2003. Both national plans have been drawn up in consistency with the “Employment Policy Guidelines, which were adopted by the Council of the EU. They set out four basic pillars for the area of employment policies. One of the pillars (IV) is directly focused on the strengthening of the policies of equal opportunities in access to employment. In this pillar a number of measures has been worked out with a view to improving the situation of women’ assertion on the labour market. This action plan was followed by the National Action Plan of Employment for 2004 - 2006, which in its individual chapters, also arranged according to the Employment Policy Guidelines, laid down and defined by the Council of the EU, covers the issues of equal opportunities and gender equality horizontally in all of its parts.

92. The Government of the SR adopted a number of documents that contain measures to reduce the poverty risk. Working with the European Commission and the Directorate General for Employment and Social Affairs, the Government of the SR prepared the Joint Inclusion Memorandum with a view to preparing the country, upon its accession to the European Union, for a full participation in the field of social inclusion. The Memorandum outlines the principal challenges in relation to combating poverty and social exclusion, presents the main political measures that the Slovak Republic adopted in accordance with the agreement on incorporating joint EU objectives in the national policies, and identifies the key political problems for the future monitoring and reviewing of political measures.

On the basis of the Joint Inclusion Memorandum (JIM) National Action Plan for Combating Poverty and Social Exclusion was developed designed for the prevention of social exclusion and assistance to marginalized population groups. JIM identified the areas at risk of poverty in the SR in which gender equality is an important cross-sectional aspect.

Activities of national institutions with a view to strengthening gender equality in the Slovak Republic

Projects

93. To create conditions for gender mainstreaming in the SR the Department of Family and Gender Policies of the Ministry of Labour, Social Affairs and Family of the SR prepared a project under a twinning programme, “Strengthening the administrative capacities in the area of gender mainstreaming“. The French Ministry of Employment, Labour and Social Cohesion cooperating with

German experts is the main partner for Slovakia in the twinning project. The partners above have had long years of experience in the area of putting in practice the gender mainstreaming strategy. The project will run for 12 months. The work under the project will include the following activities:

- creating “focal points” in the state, regional and local administration bodies,
- supporting the foundation of a coordination body for the implementation of gender mainstreaming,
- training an adequate number of relevant actors in the methodology of gender mainstreaming (GM),
- creating conditions for sustainability of the project in the future (training future gender mainstreaming trainers, introducing the basics of the GM strategy in the syllabus for civil servants’ training, etc.).

94. The Program is organised as a project but it can be expected that the activities in the area of putting in place gender mainstreaming will continue as a sustainable process. The project’s purpose is not only to create administrative capacities for the introduction of gender mainstreaming, but also to create certain analytical instruments for the process monitoring, first and foremost, to raise the awareness of the need for gender equality in the political circumstances.

95. The objective of the project “Introducing equal opportunities between women and men in the agenda of regional and local self-government”, implemented by the Department of Equal Opportunities and Anti-discrimination of the Ministry of Labour, Social Affairs and Family of the SR was to train councillors and regional and local authorities’ staff in the policy of equal opportunities and to familiarise them with the existing equal opportunities institutions in the Member States of the European Union, as well as with the opportunities for gender mainstreaming, measures and activities at each level of administration of the society, with particular regard for the outcome of the activities.

96. The Project MATRA “Equal opportunities in the SR” supported from the funds of the Dutch Government was implemented in cooperation with the non-governmental organisations concerned and in the research institutions. The Ministry of Labour, Social Affairs and Family was a partner under this project, while the users were the Department for Equal Opportunities and Anti-discrimination, the Coordination Committee for the Women’s Issues (MoLSAF SR) and the Section for Human Rights and Minorities of the Government Office of the SR. The purpose of the project was to prepare a proposal for strengthening the existing competencies and creating more effective bodies (institutions) dealing with the issues or equal opportunities in the SR, on the basis of the analysis of the Slovak and foreign experience.

97. The Project of the social audit, “The Family and Work”, implemented by the Ministry of Labour, Social Affairs and Family has been designed to motivate employers to create family-friendly working conditions sensitive to employees with caring responsibilities in order to facilitate the reconciliation of family and professional responsibilities of employees. In the context of the project,

the former RPA Department of Equal opportunities and Anti-discrimination began to organise an annual competition, from 2000, titled “ The Family–friendly Employer”, with a view to motivating Slovak employers to develop activities for the reconciliation of work and family life and actively promote equality between women and men. Within the competition 3 categories are evaluated: the family policy, the introduction of measures to promote equality between women and men, and the most original measure to benefit the family. The number of contesting organisations has been annually increasing.

98. The Department of Family and Gender Policies of the Ministry of Labour, Social Affairs and Family of the SR also collaborates in the development of particular single programming documents for the Sectoral Operational Programme Human Resources (SOP-HR) and EQUAL; it is committed to incorporate measures for promoting gender equality and combating discrimination in the programme documents; it coordinates the implementation of the gender mainstreaming strategy in the programmes funded from the Structural Funds; MoLSAF SR manages the use of finances from the European Structural Funds, particularly through the SOP HR, whose general objective is to increase employment based on qualified and flexible labour force and through the Community Initiative EQUAL, designed to combat discrimination and the inequalities in the labour market. Gender mainstreaming is an integral part of all thematic areas under the Initiative EQUAL.

99. The CIP EQUAL “Working conditions as determinants of gender labour inequality” is implemented by the Institute for Work and Family Studies Bratislava with national partners – the National Labour Inspectorate Košice and the Regional Public Health Authority Banská Bystrica and the foreign partners from non-governmental institutions of Spain and Italy. Under this project, labour inspectorate authorities will, inter alia, conduct 240 inspections of employers, within their competencies, focused on the cited issues.

100. From 1 September 2004, the Judicial Academy, as a budgetary organisation of the Ministry of Justice of the SR, has been providing, organising and implementing training of judges, prosecutors and court officers. In 2006 – 2008, the Judicial Academy will hold seminars and lectures aimed chiefly at the topical issues of the protection of human rights, asylum law, and the issues of discrimination. The Court and Prison Guard Service secures systematic training of the staff in the area of human rights with regard to preventing all forms of discrimination, racism, xenophobia and other forms of intolerance. This is the subject area to which attention is devoted by the Department of the Execution of Custody and Punishment of the General Directorate of the Court and Prison Guard Service, which in cooperation with citizens associations and foundations prepared in the past a “Weekend training programme for Service members”. Prevention of all forms of discrimination was a competent part of the Department’s plans to continue with these activities by preparing trainer-training courses for the area of human rights.

101. From October 2005 to October 2006, the Slovak National Centre for Human Rights implemented the Project on the role of men in increasing gender equality, particularly the role of husbands and fathers in the reconciliation of work and family life, which was prepared under closed call for proposals VP/2005/0344 of the European Commission. The Project involved also foreign partners, the Czech Republic and Luxembourg. The objective of the project was to promote synergies

between national policies in the area of gender equality and to increase the added value of the Community. The Slovak National Centre for Human Rights, within the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia and Anti-Semitism and other Manifestations of Intolerance, plans to conduct a representative study, in two phases, (first phase: 1 January – November 2006, second phase: January – November 2008) of the perceptions of human rights and the principle of equal treatment by the adult population in the Slovak Republic. The objective of the project is to build a system of regular monitoring of the information of and the attitudes to human rights of the adult population with special regard to the principle of equal treatment and the identification of the evolution trends and focusing of long-term programmes and campaigns.

Article 4. Special measures

102. Representation of women in public positions and in decision-making processes in the SR is not balanced. To address this situation, in 2001, the Ministry of Interior in cooperation with the Ministry of Labour, Social Affairs and Family of the SR drafted a law that was to introduce the principle for the party lists of candidates for the National Council of the Slovak Republic of having “every third candidate of an opposite sex to that of the two preceding ones”. The proposal could not get through. A similar attempt, equally unsuccessful, was undertaken in 2003. The Recommendation of the Committee (the Report of the Committee for the Elimination of Discrimination Against Women A/53/38/Rev.1, paragraph 75) in the context of the above, could not be fulfilled; for more details on the Committee Recommendations, (paragraphs 75 and 76), see under Article 7.

103. The Anti-discrimination Act does not make legal provision for the possibility to adopt temporary special measures aimed at accelerating de facto equality between men and women. Paragraph 8, section 8 of the Anti-discrimination Act did allow to adopt special equalisation measures, but only in relation to the disadvantage on the grounds of racial or ethnic origin: “for ensuring equal opportunities in practice and the compliance with the principle of equal treatment (it allows) to adopt special equalisation measures to prevent the disadvantages associated with the racial or ethnic origin”. The introduction of such equalisation measures is currently made harder in Slovakia by the recently adopted judgement of the Constitutional Court of the SR, of October 2005, by which it ruled that the cited section of the Anti-discrimination Act established an advantage (positive discrimination) of persons that was related to the racial or ethnic origin and was therefore not constitutional.

104. The Constitutional Court of the SR initiated its proceedings on the review of consistency of the Anti-discrimination Act with the Constitution of the Slovak Republic at the proposal of the Government of the SR, represented by the Minister of Justice. It supported its decision on inconsistency of the Anti-discrimination Act with the Constitution of the Slovak Republic in its judgement, in particular, by claiming that the contested provision of the Anti-discrimination Act by adopting positive measures, which are special equalisation measures, establishes an advantage (positive discrimination) for the persons and at the same time fails to determine, even in a framework, the subject, content and the criteria for the adoption of special equalisation measures, whereby it undermines, in a constitutionally unacceptable manner, the legal security in legal relations created

prior to and after the adoption of special equalisation measures. According to the judgement of the Constitutional Court of the SR, the contested provision by failing to refer to the temporary nature of special equalisation measures as a relevant factor can eventually become the basis of discrimination against other groups without the existence of a constitutionally accepted basis for it.

105. Within the meaning of the cited judgement of the Constitutional Court of the SR, the adoption of special measures for de facto equality between men and women could equally be deemed to be unconstitutional.

106. There have been no changes in this area, the effective Labour Code provides for the measures aimed at protecting maternity and also guarantees that these are not deemed discriminatory.

Article 5. Elimination of gender stereotypes and prejudices

Article 5 (a)

107. Further to the Final Commentary of the Committee, part C, Factors hindering the implementation of the Convention (The Report of the Committee on the Elimination of Discrimination Against Women, A/53/38/Rev.1, paragraph 74) we may note that in Slovakia changes have taken place regarding the status of the woman and the man in the family. In the updating of the State Family Policy Concept, approved by the Government of the SR in November 2004, priorities have been identified for the period of 2005 – 2006, such as the improvement in access to education, availability of housing, reconciliation of work and family life, the legal protection of the family and the assistance in the crisis situations. The basis of the social policy, hence also the family policy, are the principles of individual responsibility, justice and solidarity. Special emphasis is laid on gender equality that is deemed to be one of the principles of family policy, its consistent implementation being a prerequisite for the identified priorities, particularly the reconciliation of the work and family life. The principle of balance and flexibility refers to the need of a balanced assistance for families in each stage of the family cycle. Assistance consists in supporting its own solution of the life situation, that is, in offering alternative options of support. The family policy aims at supporting the parents (fathers and mothers), irrespective of the legal form of the family, which prevents placing at an advantage any particular form of family at the expense of another. By a policy, equally aimed at supporting both partners in the family, conditions are created for corroding gender stereotypes and the strict prescription of the male and female roles in the family.

108. The measures designed to support the reconciliation of work and family life, the measures for the assistance to persons with caring responsibilities relating to age or health state are one example of the application of these principles. Measures are aimed at supporting work activity of the carers which would enable them to enjoy relative economic independence, while at the same time providing for the care of persons dependent on care by others so as to create a better balance between the family life and work.

109. One of the measures allowing to reconcile work and family life, to create conditions for the rise of more flexible services for childcare in the child's home setting, or outside it, and to affect

positively the choices of the parent in making provision for the child in early childhood, has been implemented by the adoption of the Act No. 244/2005 Coll., amending the Act No. 280/2002 Coll on parental allowance and on the amendment of certain acts, as later amended that went into force on 1 July 2005. The new legislation has extended the options of care after the child aged up to three or six years, while facilitating preparation and participation of parents in the labour market. That means that after this amendment the working parents, who have arranged for childcare by another person, just as the parents, who take care of their child personally, can draw the parental allowance.

Article 5 (b)

110. To ensure that family education includes proper understanding of maternity and parenthood as a social function, the following forms of education are implemented within the scheme of further training of pedagogic workers and school facilities staff in the organisations directly managed by the Ministry of Education of the SR (methodological and pedagogic centres):

- Education for matrimony and parenthood,
- Sexuality in freedom and responsibility,
- Continuous training for teachers of ethical education,
- Child battering and abuse and violence in the family,
- Gender-sensitive education,
- Man and woman, their status in the family, in the society, new patterns of sharing work,
- Factors of gender and the violence committed against women,
- Theoretical background and the basics of sexual and family education,
- The class-teacher – a coordinator of all educational factors.

111. In the projects above pedagogic workers acquire knowledge and social skills to present the issues of sexuality and sexual health in school on the following topics: the roles of the man and woman, the function of the man and woman in today's world, the development of a human individual, differential development of a boy and a girl, responsible attitude to sexuality, gender stereotypes, relations to the opposite sex, partnership relations, marriage and family in the post-modern time.

112. In accordance with its competencies, the Ministry of Education of the SR approached the higher education institutions that prepare teachers and educators to train their future graduates in the educational activities affecting pupils, aimed at the elimination of gender stereotypes. MoE SR also asked the law schools to ensure within their curriculum – law subjects, the education of their future graduates aimed at the elimination of gender stereotypes in their future practice of law professions.

113. Education for matrimony and parenthood is a self-contained system of upbringing and education of pupils and it is therefore understood as an integral part of the education process.

114. At the first level of primary school the content of education for matrimony and parenthood is aimed at giving the basic knowledge and developing responsible attitudes, in line with the scientific knowledge and the ethical norms. The issues are covered in the teaching of several school subjects, the key position held by the social science basics.

115. At the second level of primary school the focus of teaching the education for matrimony and parenthood is found in the subjects of ethical and religious education. The ethics teacher consistently imparts education for matrimony and parenthood, keeping to the syllabus of the ethical education. The biological aspect of the education for matrimony and parenthood is imparted through the subject of natural history and the social and civil aspect through the subject of civics. In appropriate topics it is also covered in other teaching subjects (literature, physical education).

116. The pedagogic staff training in the education for matrimony and parenthood is implemented through particular forms of further training of education counsellors, teachers of the subject of education for matrimony and parenthood, biology, natural history, as well as social science subjects.

117. The understanding of maternity as a social function of the woman and the recognition of the significance of parenthood has been enshrined in the new Act No. 36/2005 Coll on the family and on the amendment of certain acts (replacing the hitherto Act No. 94/1963 Coll on the family, as amended). The new law reiterates the role of the family (“The family created through marriage is the basic cell of the society. The society universally protects all forms of the family”), but unlike the original act, it recognises the significant role of parenthood: “Parenthood is a specific mission of the woman and man recognised by the society. The society gives parenthood not only the protection but also the necessary care, particularly through material support of parents in exercising their parental rights and obligations”. Parents have the right to raise their children in accordance with their religious and philosophical beliefs, with the whole society assisting the family in its upbringing function.

118. The State and other social entities create information and institutional conditions for the families to improve their upbringing effect. This involves in particular the education system, the social security system and the health education. In social care the State focuses on social and legal protection of children. Offices of Labour, Social Affairs and Family have an important role within the provision of counselling and psychological care of the individual, couples and the family by providing counselling and psychological services, while the pedagogic and psychological centres of the education sector provide comprehensive, interdisciplinary and specialist psychological, upbringing, counselling, therapeutic, and preventive care for children and youth, their legal representatives and pedagogues, with a view to optimising their personality, educational, professional and social development.

Article 6. Violence against women and traffic in women

119. The criminal Act No. 300/2005 Coll., as amended, makes provision for suppressing all forms of traffic in women and exploitation of prostitution of women. The Slovak penal legislation has gone through a number of evolution changes and the legal provisions providing for the issues of traffic in women have been amended several times. The former criminal Act No. 140/1961 Coll. provided for the criminal offence of “traffic in women“ but by its subsequent amendment, coming into force on 1 September 2002, the offence of “traffic in women” has been extended and replaced with the criminal offence of “traffic in persons”.

120. Under the above-amended text, the object of an attack could be a person not only of female but also of male sex and in order to commit the offence the intention of the perpetrator to exploit a woman for sexual intercourse was not required. Within the amendment of the substance of this criminal offence the forms of unlawful conduct have been extended to include also other forms of sexual abuse, with these not necessarily taking place against the will of another person, but also with his or her consent. By the amendment, the international obligation was implemented that follows out of the international 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others, to which the former the Czechoslovak Socialist Republic acceded on 14 March 1958.

121. The effective legislation on the punishment of traffic in persons corresponds to the Act on the European Arrest Warrant No. 403/2004 Coll. through which the Slovak Republic's rule of law ensures the application of the EU Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings and the application of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Protocol supplemented the UN Convention against Transnational Organised Crime of 2000, effective for the Slovak Republic from 2004). Currently the national ratification process is also under way of the Council of Europe Convention on Action against Trafficking in Human Beings.

122. The present Criminal Code has extended particular forms of unlawful acts (that consist in the use of fraudulent activity, restriction of personal freedom, use of violence, threat of violence, threat of other aggravated harm, or other forms of coercion; in the acceptance, or provision of financial performance, or other advantages to gain consent of the person on which the other person is dependent; or in the abuse of powerlessness or otherwise vulnerable position), with receiving and taking-over of another person, albeit with his/her consent, thereby establishing the change in the hitherto understanding, in the light of the Slovak Republic becoming not only a transit country but also a target country. In case the perpetrator commits the cited criminal offence as a member of an organised group, or thereby causes death of several persons the person may be imposed an extraordinary term of imprisonment. The law does not qualify the criminal offence of "traffic in persons" as an "offence against human dignity", but rather, as an "offence against freedom" and increases the lowest criminal term from three to four years of imprisonment.

123. In the Slovak Republic, prostitution as such continues to be a phenomenon that is contrary to the proprieties, but its practice is not punishable. What is punishable is benefiting from prostitution, which is punishable under § 367 of the Criminal Code, as the offence of pimping. Prostitution means to satisfy the sexual needs of another person by coitus, other form of sexual intercourse, or other analogous sexual contact for remuneration. The original substance of the offence of pimping has been extended by the current criminal law; from 1 January 2006, the exploitation, receiving and offering for the practice of prostitution as well as facilitating prostitution is punishable.

124. The number of detected cases that concern both of the above-mentioned criminal offences is given in the following table.

	1998	1999	2000	2001	2002	2003	2004	30-06-2005
Pimping § 367	4	9	11	9	23	13	22	12
Trafficking in persons § 179	3	11	16	6	17	28	27	4

125. In response to the Recommendations of the Committee (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev. paragraphs 81 and 82) we state the following: To increase effectiveness of the combat against trafficking in persons, exploitation and prostitution of women, on 1 June 2002, a special police unit was set up, “the Department for Combating Traffic in Persons and Sexual Exploitation”. The unit is incorporated under the Police Force Headquarters and forms a component part of the Office for Combating Organised Crime. The main tasks of the unit include:

- detect crime associated with trafficking in persons, sexual exploitation, pimping, production and distribution of the child pornographic work and trafficking in children,
- conduct analyses of criminal activity,
- give methodological guidance and coordinate the activities of the departments for combating organised crime in the process of detecting crimes associated with trafficking in persons and sexual exploitation,
- coordinate cooperation with foreign partner services in solving international organised crimes associated with trafficking in persons and sexual exploitation.

126. As of 1 April 2005, the Department for Combating Traffic in Persons and Sexual Exploitation Department was upgraded to a division, which entailed moderate increase in the staffing level. The division got a new title, the Division for the Traffic in Persons, Sexual Exploitation and Victims Support, which resulted in the extension of its powers and duties to secure assistance to victims of trafficking and sexual exploitation. The Division actively cooperates with non-governmental organisations and crisis centres in providing assistance to victims of trafficking in persons, whether it be psychological support or the provision of temporary refuge.

127. In order to improve the unfavourable situation in the area of trafficking in women, the Division has conducted a number of operations targeted against the provision of sexual services in erotic clubs. Other police units also assisted in these operations, such as the officers of the Border and Aliens Police and the Financial Police. The Division within the investigation of cases of enticing women into foreign countries to practice prostitution under false pretence of different jobs cooperates with partner police services in Germany, Slovenia, and Sweden. The division staff also assists in cases of provision for the return of the trafficked women back to Slovakia.

128. The issues of combating traffic in persons was given a new impetus in 2005, when the Minister of Interior appointed an Expert Group for the Prevention and Assistance to Victims of Trafficking in Persons. The group is made up of representatives of different ministries, NGOs and also representatives of IOM, UNHRC. Its major task was to draw up the National Action Plan for Combating Trafficking in Persons.

129. In the meantime, at the commission of the Government of the SR, the National Coordinator for the Combat Against Trafficking in Persons was appointed on 1 October 2005, whose role is to coordinate activities of the entities charged with the tasks following out of the National Action Plan for Combating Trafficking in Persons.

130. The National Action Plan for Combating Trafficking in Persons was approved by the Government of the SR on 11 January 2006 by Resolution No. 5/2006. The plan contains a number of tasks in the area of organisation and coordination of activities, collection and evaluation of the relevant data but also in the prevention, information, training and assistance to victims. Apart from conducting a range of information campaigns and training events for competent state administration officers, institutionalised cooperation of state authorities is built with the non-governmental organisations and a model is to be developed of returning the victim of trafficking back to the SR which will comprise also a resocialisation programme. (See the Annexes: Article 6 – Annex 3).

131. In her efforts to combat trafficking, the Slovak Republic uses the experience of international institutions, particularly the UNO, OSCE and the Council of Europe.

132. As regards violence committed against women, between 1999 and 2002 amendments were enacted in the Slovak Republic of the Criminal Code, the Criminal Procedure Code, the Act on administrative offences, the Civil Procedure Code, the Civil Code, the Act on indemnification of victims of violent crime, and the Act on social assistance which may, to a considerable extent, contribute to making the process of the elimination of violence against women more effective. Effects of the amendments of the acts are begun to be evaluated and their benefits suggest an improvement in the solution of the issues of domestic violence. The most significant changes have taken place in the area of violence, which is labelled with a wider term of “domestic violence” in the Explanatory Notes to the amendments.

133. The criminal Act No. 300/2005 Coll. punishes the acts falling within the substance of the offence of battering a close person or a person entrusted on one's care in broader personal scope, in the light of the extension of the legal definition of the term close person and person entrusted in one's care. As close or entrusted persons are deemed not only persons next of kin; the term covers also the adoptive parent, adopted child, former spouse, cohabitee, former cohabitee, the parent of the common child, and the person that is close in relation to them. The lawmaker extended the objective aspect of the merits of this criminal offence and established increased penalty for its commission. The criminal law also introduces the so-called protective treatment and enables the court to impose it upon a perpetrator who has committed a violent offence against a close or entrusted person, where it may reasonably be expected that he will carry on with the violent acts.

134. The amendments of the original criminal act No.140/1961 Coll. introduced the restriction of the person to come closer than at 5 m distance to the injured person and the restriction of the person to stay in the proximity of the abode of the injured. The object of criticism by the Committee was (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraphs 79 and 80) the limited ability of police authorities to bring a legal action against the perpetrator of violence independently of the crime's victim. With regard to the above, the amendment of the Criminal Procedure Code enabled to start prosecution against the perpetrator also without the consent of the victim. The scope of the offences the prosecution of which requires the consent of the injured was narrowed in the Criminal Procedure Code and legislative provision was made so as to enable prosecuting the offences against a family member ex offio and not to require the consent of the victim of violence or rape. A number of studies indicated that the intensity of violence escalated following the report of the commission of the crime and that the violent perpetrators were often pressurising the injured to withhold their consent with the prosecution. A similar course of action was taken in amending the Act on misdemeanour proceedings.

135. In 2001, a new substance of proceedings of a criminal offence of “sexual violence” was introduced. The perpetrator of that offence can be both a man and a woman. The amendment in 2003 established that where the perpetrator has been punished twice for the offences of battering a close or entrusted person, rape, sexual violence, sexual abuse, or trafficking in persons, and he had at least in part served the sentence, the court shall impose a life sentence on him, provided the conditions are met under the Criminal Act; otherwise he is imposed a sentence of 25 years imprisonment, if circumstances worth special consideration do not prevent it. However, the court cannot impose a punishment less than twenty years of imprisonment on such a perpetrator.

136. An exemption from the principle of officiality or legality consisting in the right of disposal of the injured pertaining to the entire prosecution has been taken over also into the new Criminal Procedure Code, (“consent of the injured”). According to this new provision the consent of the injured shall not be required in the criminal offences typical of domestic violence (e.g. battering of a close or entrusted person, rape, sexual violence, etc.) but it shall be required only in the enumerated offences that do not fall within the domain of domestic violence. Thereby the use and the handling of the right of disposition in the course of prosecution by the injured is made more specific and transparent. Moreover, a possibility is allowed to grant again the already withheld or withdrawn consent, if the demonstration of will was not free.

137. In 2005, the Act No. 576/2004 Coll. on healthcare and healthcare-related services and on amendment of certain acts went into force introducing in the criminal law a new substance of proceedings for the offence of “illegal sterilisation”.

138. The amendment of the Civil Code has brought about a fundamental change in the hitherto practice. It enshrined a provision permitting during community property, i.e., during the life of the marriage, but also after the divorce until the property is divided by a court's decision to prevent the violent person from using the apartment or house of the spouses. The newly enacted legislation considers that the right to use the dwelling belongs to each of the spouses, and where one spouse by his/her violent conduct makes the use of dwelling virtually impossible for the other one, it is

necessary to guarantee the victims the exercise of their constitutional right also by restricting the right of use of dwelling for the violence perpetrator. Equally, the court shall determine when and under what conditions the violence perpetrator is not provided a dwelling replacement.

139. In linking to the Civil Code, the amendment of the Civil Procedure Code enabled the courts by a preliminary order to impose on the violence perpetrator not to enter temporarily the house or apartment in which lives the person close to him, or entrusted in his care, in relation to which he is justifiably suspected of committing the offence of violence.

140. In its conclusions, the Committee (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraphs 81 and 82) further pointed out to the absence of protective mechanisms for the victims of domestic violence and recommended the Slovak Republic to set up crisis centres providing medical and psychological assistance to the victims of violence.

141. In the years 2000 and subsequently in 2001, 2003 and 2004, the Act No. 195/1998 Coll on social assistance, as amended, has been several times amended. On the basis of that act, a network of specialised facilities for women suffering violence could be built in which women should be provided specialised social support and social assistance, social and psychological counselling, mediation of legal advice, and other forms of specialised counselling.

142. By Government Resolution No. 1092/2004, in 2004, the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families was adopted, the purpose of which is to develop a coordinated and integrated cooperation of all relevant actors in preventing the rise of violence, providing for prompt and effective assistance, using effectively the existing legislation in practice, and gathering adequate knowledge base on the violence committed against women. (See the Annexes: Article 6 – Annex 1).

143. The strategy constitutes a fundamental framework for embarking upon effective procedures in the area of prevention and elimination of violence committed against women and in families, and analyses violence against women and in families in a broader Slovak societal context, as well as in the context of international documents. It also outlines the possible action for the solution of the issues of violence in personal life relations defining the basic principles, objectives, and the strategy's operational principles.

144. To effectively implement the strategy, in 2005 the Government committed the elaboration the National Action Plan for the Prevention and Elimination of Violence against Women. The document was developed for the period of 2005 to 2008 and was adopted by the Government of the SR on 24 August 2005 by Resolution No. 635. The basic objective of the national action plan is to implement, adequately and effectively, the procedures for the prevention and elimination of violence against women in a way, which would prevent women from having to face infringement of their human rights and enable them to live their lives safely, freely and with dignity, without any threats. The Slovak National Centre conducted a comparative study, the Legal Protection Instruments for

Women Victims of Violence in the Slovak Republic and in the Selected EU Members States (Sweden) that was submitted to the Ministry of Labour, Social Affairs and Family of the SR on 31 May 2006 (See the Annexes: Article 6 – Annex 2).

145. In its measures the national strategy puts forward solutions of the problems in different time frames of achieving the objectives. The action plan contains measures that need to be addressed immediately, and also those that comprise the fundamental base for the solution of the problems to draw upon in the fulfilment of long-term objectives. That includes in particular, the implementation of core steps in the field of prevention, training, research, and also building of the institutional framework of the coordinated assistance to women against whom violence has been committed. Further improvement of legislative provision for the issues shall also be essential. By a decision of the Ministry of Education of the SR from 2006 the issues at hand have been incorporated in the National Plan for Human Rights Education for 2005 – 2014. Based on Government Resolution No. 446/2004 of 13 May 2004, in January 2006, a national commission on human rights education was set up with the Slovak National Human Rights Centre. The setting up of the Commission with the National Human Rights Centre follows out of the obligation of the SR referred to in the assessment position, which the SR developed and presented the UNO already during the first Decade for Human Rights Education.

146. The National Action Plan reacts to the need to increase the number of asylums and crisis centres for victims of domestic violence and the introduction of specialised services that are still in short supply in Slovakia in the social service network designed to render support to battered women and their children. Within the implementation of the National Action Plan, integrated intervention teams will be created for the coordination of work of the involved professions in order to effectively provide assistance to battered women and their children.

147. The Ministry of Labour, Social Affairs and Family, in cooperation with the Expert Group for the Prevention of Violence Committed against Women and in Families, set up at the Government Council for Crime Prevention, shall be the guarantor of the action plan. The first meeting of the working group was held in December 2005. The attending members then agreed on the need to extend the membership of the group with other experts from non-governmental sector so as to give NGOs more opportunities to participate in the preparation of various conceptual and legislative drafts and changes (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraphs 83 and 84).

148. Under the Act No.327/2005 Coll. on provision of legal assistance to persons in material need, from 1 January 2006, the Centre for Legal Assistance was set up as a state budget organisation based in Bratislava. The Centre provides assistance to natural persons, who owing to their material need cannot use the legal services for the regular exercise and protection of their rights.

149. Important changes have occurred in the statistical monitoring of the issues of violence against women. This has been made possible by having a separate statistical heading of the injured person – woman within the monitored set of data. A selection of the most significant data on crime

statistics are made available on the internet site of the Ministry of Justice of the SR at www.justice.gov.sk.

150. The purpose of the new Act No.215/2006 Coll. on compensation of victims of violent crimes, taking over the European legislation in the Slovak law, is to improve access to the possibility to get compensation for the harm suffered through an intentional violent crime committed in the territory of other Member State of the European Union than the one in which the injured permanently resides. To this effect, a mechanism of submitting claims for compensation is created, the authority of the SR is established charged with deciding the claims, and also the authority charged with rendering assistance necessary to submit a claim for compensation to an injured national of the SR, a national of another EU Member State with permanent residence in the SR, or a stateless person with permanent residence in the SR, who have suffered harm in the territory of another Members State of the EU.

151. Research provides important information on violence committed against women. The first representative research in this area in Slovakia was the survey by Bodnárová, B.- Filadelfiová, J.: Domestic violence and the violence committed against women in the SR, SŠPR, 2003. The survey was conducted on a representative sample (of adult population, in Part One, and of women aged over 18, in Part Two) by standardised questionnaires with the data collected using the method of face-to-face interviews. The analysis of the data brought evidence of the incidence of various types of violence, ranging from physical and sexual, through psychological and social, to economic violence. It has been manifested in a range of settings: in work, school, peer groups, in the public, but also in the privacy of family or partnership life. As for violence outside the partnership relation, almost 40% of women aged 18 to 65, had had personal experiences of sexual violence and 19.1 % of physical violence. Women in Slovakia experience more violence from men whom they know. Of the adult women in the SR aged 15 to 65 years, who at some time or another had a partner in their life, 29.3% of women have experienced violence from at least one of their partners – almost every third woman. 15.1 % have experienced pronounced violence (i.e. frequently repeated physical or sexual violent acts and almost permanently present psychological, social or economic violence) and 14.2 % has experiences of more moderate violent relationship (i.e.. repeated incidence of several acts of physical or sexual violence, social violence and frequent incidence of psychological, or economic violence). Violence against women is a serious problem in Slovakia and it has been and will be consistently devoted appropriate attention.

Changes in the criminal law and civil law areas of violence committed against women

152. In the period between 1998 and 2006 new or amended legal regulations have been adopted pertaining also to violence against women:

- Act No. 215/2006 Coll. on compensation to victims of violent crimes

- Act No. 256/1998 Coll. on the protection of witness and on the amendment of certain acts, as later amended

- Act No. 311/1999 Coll. on the crime register, as later amended

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- Act No. 385/2000 Coll. on judges and assessors and on the amendment of certain acts, as later amended
 - Act No. 4/2001 Coll. on the Court and Prison Guard Service, as later amended
 - Act No. 65/2001 Coll. on the administration and recovery of judicial claims, as later amended. (This act has set up a Judiciary Treasury, with effect from 1 April 2001, under § 4, the function of which is executed by the Regional Court Bratislava.)
 - Act No. 185/2002 Coll. on the Judges' Council of the Slovak Republic and on the amendment of certain acts, as later amended
 - Act No. 458/2003 Coll. on establishing the Special Court and the Office of the Special Prosecutor and on the amendment of certain acts
 - Act No. 548/2003 Coll. on the Judicial Academy and on the amendment of certain acts, as later amended
 - Act No. 549/2003 Coll. on court officers, as amended by the Act No. 757/2004 Coll.
 - Act No. 550/2003 Coll. on probation and mediation officers and on the amendment of certain acts
 - Act No. 382/2004 Coll. on court experts, interpreters and translators and on the amendment of certain acts, as amended by the Act No.93/2006 Coll.
 - Act No. 403/2004 Coll. on the European arrest warrant and on the amendment of certain acts
 - Act No. 420/2004 Coll. on mediation and on the amendment of certain acts
 - Act No. 475/2005 Coll. on the execution of imprisonment sentence and on the amendment of certain acts
 - Act No. 528/2005 Coll. on the execution of the punishment of forced labour and on the amendment of the Act No.5/2004 Coll. on employment services and on the amendment of certain acts, as later amended
 - Act No. 221/2006 Coll. on the execution of custody

Total number of victims (2002 – 2005)

	2002	2003	2004	2004	2005
violent crime					
- murders	135	155	136	136	119
- robbery against persons	1,505	1,872	2,039	2,039	1,792
- actual bodily harm	4,506	4,215	3,962	3,962	4,020
- battering of a close or an entrusted person	167	1,194	1,145	1,145	830
vice crime					
rape	172	234	224	224	200
sexual abuse	464	424	468	468	398
trafficking in persons	24	43	33	33	18

Number of women – victims of violent criminal activity (2002-2005)

	2002	2003	2004	2005
violent crime				
- murders	54	52	41	41
- robbery against persons	383	547	597	569
- actual bodily harm	1,261	1,057	888	894
- battering of a close or an entrusted person	111	895	920	635
vice crime				
rape	172	234	224	200
sexual abuse	400	372	399	359
trafficking in persons	22	42	29	16

Source: Ministry of Interior of the SR, 2006

Statistics of the number of the convicted, harmed (victims of crimes) and indemnified persons for the period of 1998 to 2004

Number of the convicted	§ 204	§ 215	§ 227- § 229	§ 241	§241a	§ 242 -§243	§ 246	§ 246a
1998	7	18	1	89	0	266	10	0
1999	1	11	0	73	0	263	3	0
2000	4	33	0	60	0	270	13	0
2001	6	23	1	65	0	305	6	0
2002	5	50	0	63	1	218	6	0
2003	8	137	0	72	8	183	7	0
1 st half of 2004	3	165	2	37	7	96	6	0

Source: Ministry of Justice of the SR, 2005

153. From the aspect of the implementation of the Convention, the Act No. 300/2005 Coll. the Criminal Act, as later amended, provides for the following relevant substances of proceedings for the criminal offences that are also referred to in the tables giving the number of the convicted and the victims.

§ 208	Battering of a close or entrusted person
§150-153	Illegal abortion
§ 199	Rape
§ 200	Sexual violence
§ 201-202	Sexual abuse
§ 179	Trafficking in persons
§ 246	Unauthorised experiment on the human being and the cloning of a human being

Part II

Article 7. Political and public life

Article 7 (a)

154. No change of significance has occurred.

Article 7 (b)

155. Women's representation of in public functions and in the decision-making processes in the SR is unequal. In the National Council of the SR (=Parliament) after the 2002 elections there were 29 women of the total 150 MPs, which comprised 19.3 percent. Subsequently after the departure of several of them to the European Parliament their number dropped to 24, which currently comprises 16 percent. In 1998, the proportion of women in the Parliament was 14 percent. In the European Parliament of 14 MPs, 5 are women; one of them is deputy-chair of the Parliamentary Committee. Over the course of recent decade, women' s representation in governments was low – the government of the period between 1998 and 2002 had two women (one deputy prime minister and one minister), the government of 2002 – 2006 had two ministers and four women held the office of state secretaries in four sectors. The present government after the election in 2006 has one minister.

156. The effective legislation in the SR does not stipulate the obligation of proportionate representation of men and women in proposing candidates for party lists for the elections. The proportion of women candidates on the party lists in the election for NC SR in 1994 was 15 percent; in 1998 the figure was 16.8%, in 2002, 23.4% respectively, which shows a rising trend (See the Annexes: Article 7 – Annex 1).

157. In its recommendations (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraphs 75 and 76), the Committee on the Elimination of Discrimination against Women expressed concern over the fact that the specific measures outlined in the Convention were misunderstood by the Government of the SR and subsequently also misinterpreted. The Committee therefore recommended adopting legal and other mechanisms aimed at the elimination of the continuing preference given to men in employment and in political life. It acknowledged that the creation of quotas and other short-term measures might be controversial but it nevertheless invited to use temporary special measures and also recommended creating a schedule for the achievement of minimum 30% representation of women, particularly in political life and participation in political parties.

158. The Anti-discrimination Act does not permit the introduction of quotas, or the adoption of other temporary special measures aimed at accelerating de facto equality between men and women. For the future, however, the activities for the achievement of a balanced representation of women in the public bodies and in the decision-making functions in the SR remain at the centre of interest for both the institutional mechanisms for equal opportunities and non-governmental organisations operating in the area of support for women and equal opportunities between men and women.

159. In the period from 2001 to 2004, the Project MATRA, "Strengthening Women's Participation in the Public and Political Life in the SR," was undertaken the objective of which was to achieve a more balanced representation of men and women in the democratic structures of the Slovak society by increasing women's participation in public and political life. The project coordinator was the civil association Professional Women, working with the Centre for Conflict Prevention and Solution and the Institute for Public Issues and Policies of the Netherlands. The Project's main activities included the organisation of a public debate on the need and conditions for the participation of women in public and political life, the creation of the platforms for participation of women in politics, whose protagonists were people from the political, public and social life. Before the elections for the NC SR, and for the upper-tier and local self-government authorities trained trainers were training women who decided to join the political and public life. A total of 600 women had been trained nationally.

160. Other major activities under the project included the irregular publication of "Letters", supporting particular women in their entry in the public life, as well as the activities focused on legislation changes with a view to achieving the introduction of the quotas in the Act on the elections. A timetable was produced under the project to achieve, by 2010, a minimum 30% representation of women in the political life.

161. Despite the failure to achieve the statutory quotas for the party lists, some political parties did start to contemplate or introduced their own internal rules for strengthening the position of women in their parties. Another positive result of these activities was the increased awareness of the issues of a balanced women's representation in the decision-making processes that has become a subject of discussion in the Parliament, in political parties and especially in the media.

Article 7 (c)

162. From 1 January 2004, natural and legal persons (every taxpayer) may assign 2 % of their income tax for publicly beneficial activities on nongovernmental, not-for profit organisations – citizens' associations. Citizens and the firms may exercise this right on the basis of the new Act No. 595/2003 Coll on the income tax. Citizens assign 2% of the paid tax to a single organisation, while the firms can divide the 2% amongst several organisations.

Article 8. Women in diplomatic services

163. In 2005, in the diplomatic services of the Slovak Republic abroad there were 309 workers of which 100 were women. Of the total number of 85 leaders of the diplomatic missions of the Slovak Republic, 11 are women, 4 are in the function of heads of the SR Embassy, 2 in the function of heads of the permanent mission of the SR, and 3 work as directors of the Slovak institutes abroad.

164. Women also participate in the deliberations of international organisations as heads or members of delegations. The head of the SR delegation at the 49th Session of the Commission on the Status of Women was the Director General of the Section of the Government Office of the SR; two representatives of nongovernmental sector were also on the delegation. At the 50th session of the

Commission on the Status of Women, the Minister of Labour, Social Affairs and Family attended the high-level Round-Table Meeting.

Article 9. Nationality

165. The Slovak Republic has signed and ratified a number of international agreements pertaining to the nationality of persons. On 6 November 1997, the Slovak Republic as the Member State of the Council of Europe signed and subsequently ratified on 30 April 1998 the European Convention on Nationality, which was published in the Collection of Laws of the SR under No. 418/2000. In accordance with Article 4 of the Convention the State Parties undertake in the preparation and adoption of the norms relating to the nationality to conform to the general principles set out in the Convention, i.e. that “everyone has the right to a nationality, no one shall be arbitrarily deprived of his or her nationality, neither marriage nor the dissolution of a marriage between a national of a State Party and an alien, nor the change of nationality by one of the spouses during marriage, shall automatically affect the nationality of the other spouse”.

166. Besides the Convention referred to above, the Slovak Republic has signed and ratified the Convention on the Legal Status of Stateless Persons and the Complement to this Convention (notification of the Ministry of Foreign Affairs (MoFA) of the SR No. 206/2001 Coll.), the Convention on the Reduction of the Number of Stateless Persons (No. 192/2001 Coll.), from which numerous international obligations in the area of nationality of persons are derived, as well as the Convention on the Protection of Children and on Cooperation in Inter-country Adoptions (notification of the MoFA SR No. 380/2001 Coll.).

167. The conditions for the acquisition and loss of nationality of the Slovak Republic are laid down by the Act No. 40/1993 Coll on nationality of the Slovak Republic that provides equal rights to men and women.

168. A national of the SR upon her marriage to an alien, or upon the change of nationality of her spouse during marriage shall not automatically lose her nationality of the SR, her nationality shall not change automatically to the nationality of her spouse, it shall not make her stateless, or force her to acquire the nationality of her spouse. Under Article 5 of Constitution of the Slovak Republic and § 9 section 1 of the cited act, a national of the SR may lose the nationality of the Slovak Republic only by release from the legal bond with the state of the SR subject to his or her own application. Other possibilities of the loss of the nationality of the SR are not admitted by the Constitution of the Slovak Republic or the cited act.

169. Under § 5 sec. 1 letter a) and b) of the Act No. 40/1993 Coll. on the nationality of the Slovak Republic, the “nationality of the SR shall be acquired by a child whose at least one parent is a SR national, or a child born on the territory of the SR, whose parents are stateless, or a child born on the territory of the Slovak Republic whose parents are aliens and who does not acquire the nationality of either of them at birth”, it is therefore not relevant whether it is a mother or a father.

170. Under § 6 of the Act, the nationality of the SR shall be acquired by a child who is not a SR national but who was adopted by an adoptive parent or adoptive parents, of which at least one is a national of the SR, and again it is not relevant whether the adoptive parent is a person of female or male sex.

171. In accordance with § 7 sections 1 to 6 of the Act, upon application, the nationality of the SR may be awarded to a person who is not a SR national after that person has fulfilled the conditions prescribed by law; hence a person of female as well as male sex may be equally naturalised.

172. The nationality of the SR is of equivalent value irrespective of the legal title of its acquisition (§10). Equally, the cited Act No.40/1993 Coll. provides for priority of international instruments: “in case the international agreement by which the SR is bound, provides for some issues in the matter of nationality differently from this act, the provisions of the international agreement shall be applicable”(§17). .

Part III

Article 10. Education

Article 10 (a)

173. The effective legislation in the SR provides for a non-discriminatory access to education and further training at all types of schools and education and training institutions. The Constitution of the Slovak Republic lays down that every citizen has the right to education irrespective of sex. School attendance is compulsory and citizens have the right to free education in primary and secondary schools and, according to the capabilities of the citizen and the possibilities of the society, also in higher education. As for programmes of further training, everyone has the right to education at every age of his or her life according to their abilities and interests (See the Annexes: Article 10 – Annexes 1, 2, 3).

174. The education level of citizens of the SR is high; women and men without distinction of any kind exercise their right to education. The education level of women is approximately the same as that of men and contributes significantly to the women's assertion on the labour market. In the economically active population, there has been the same proportion of women with higher education as of men on a long-term (between 11 % and 12 %). As of October 2004, the number of students in public higher education establishments studying full-time was 106,194, of which 54, 765 were women, i.e. more than a half. There were 50,367 students studying part-time, of which women comprised 32,591, or 60 percent.

175. The following are the percentages of women in higher education by school field orientation: more than 60 % are in liberal arts and natural science schools, more than 50 % in economics-oriented schools, almost 50 % in arts-oriented schools, around 40 % in agriculture-oriented schools, and around 25 % in technologically-oriented schools. In the schools oriented at food industry technology women comprise more than 60 % of students, in electronics less than 10 %, but in

architecture almost half. The proportion of women having to repeat any of the school years in the total number of students is only 31 %, that is, they are more successful in the higher education studies.

176. More economically active women than men achieve upper-secondary general education (=complete secondary general education) (on a long-term, around 36 % of women and 23% of men). High numbers of women enrol in higher technical education compared with other countries (for example, in 2002 of 30,934 students that were enrolled full-time, 8,239 were women; the number of women studying in technical education is slightly on the rise). There are more women with primary education than men among the economically active persons; the number of workers with this type of education is falling, both among women and men, (from 13% in 1995 to 4.8 % in women and 4 % in men).

Article 10 (b)

177. The effective legislation represented by the Constitution of the Slovak Republic and the Act No. 29/1984 Coll on the system of primary and secondary schools (the School Act), as later amended, does not allow discrimination in education on the ground of sex, either in the access to education or in influencing numbers of students admitted to secondary schools with regard to sex. Students are admitted to all types and kinds of secondary schools only on the basis of satisfaction of the requirements of the entry examinations; differences by sex are not relevant.

178. Equally the Anti-discrimination Act provides for the principle of equal treatment and lays down legal protection instruments, should the principle be violated in the area of education.

Article 10 (c)

179. Both in education and higher education and in retraining gender stereotypes persist. The competent institutions in their documents plan to intensify the introduction of the measures, which would raise the interest of women in the education for those professions that are to date deemed to be male, and which would eliminate the disproportionate representation in this area but the results so far are not sufficiently visible. One of the major barriers preventing the achievement of this aim is the continuing stereotyped perception of the roles of men and women in the society. As for the Recommendation of the Committee (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraph 86) on the initiation of alternative education (mainly with regards to the disadvantaged groups) and the systems of vocational training with a view to attracting girls and women for all branches but particularly non-traditional courses of studies and eliminate gender prejudice that exists in the system of vocational preparation, a more marked improvement has not been achieved.

180. In the interest of gradual elimination of occupational segregation by sex, schools begin to create conditions to motivate students through education advisors and teachers to opt for non-traditional occupations for men and women. In order to pursue this objective Methodological and Pedagogic Centres involve in further training of education advisors and teachers in schools and also primary and secondary teachers and begin with the preparation for the gender-wise non-traditional occupations aimed at the elimination of employability barriers due to gender stereotyped socialisation.

181. Despite the measures outlined above, based on the outcomes of the Labour Force Survey, we may note that occupational segregation by gender has not changed in any significant way. Men's overrepresentation in industries regarded as male persists, while women are overrepresented in the typically female industries.

182. In its recommendation the Committee (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraph 85) pointed to the creation and increasing number of schools for girls which with their orientation encourage traditional stereotyped concepts of the role of women in the society and requested information on the position and focus of these schools.

183. The situation in this area has markedly changed. The number of the girls' schools dropped from 75 in 1995 to 6 schools in 2005. In the first phase, the number went down owing to organisational reasons. In the next phase the number of these schools dropped through innovation of the programme, of the "Trade and Enterprise", with the accompanying change of the profile of the graduate by extending it to boys as well. The Ministry of Education of the SR approved innovated pedagogic documentation in 2002. In this way several other girls' schools lost their justification. The practical application of the "trade and enterprise" study programme, which comprised the core content of the girls' schools, confirmed its viability on the labour market and also showed evidence of interest of both boys and girls in this course of study, which the legislation fully permits.

184. Emphasising the importance of the chance to choose a non-traditional course of study for boys and girls, in the interest of equal opportunities for both sexes, in 2005, for example, the pedagogic documentation was innovated for the programmes that were customarily favoured by girls and, within this innovation, also the titles of the programmes previously referred to in feminine gender, were changed whereby a non-discriminatory profile of the graduate and his or her labour market position was highlighted with a view to achieving equal opportunities for both sexes.

185. Within the education and training responsibilities of the Ministry of Education of the SR, projects and programmes are supported and promoted that are aimed at the issues of equality and the status of women. These issues are covered in the teaching of several school subjects, with the key position held by social sciences subjects, such as the ethics, civics, and the study of culture. The issues at hand will, within the meaning of Resolution of the SR Government No. 635/2005 on the proposal for the National Action Plan for the Prevention and Elimination of Violence against Women for 2005 – 2008, from 2006 be included in the National Plan for Human Rights Education for the years 2005 – 2014 (approved by the operative meeting of the Ministry of Education of the SR in February 2004).

Article 10 (d)

186. The School Act makes provision for awarding scholarships and material support to students of Gymnasiums and secondary vocational schools, taking account of their social circumstances and school marks. Material support includes in particular the board and the accommodation. Pupils may be granted scholarships and material support from the state budget funds or from the resources of organisations.

187. The Act No. 131/2002 Coll on higher education and on the amendment of certain acts, in a comprehensive way, provides for the whole system of social support of students. Social support provided to students takes the direct form (scholarships) and the indirect form (board and accommodation and, if possible, with the provision of a financial contribution towards the costs associated with board and accommodation, and the financial support and organisational support of sport and culture activities). The system of support also includes the provision of loans to students at prime rates.

188. As for the scholarships provided from the state budget funds, students with permanent residence in the territory of the SR are awarded social scholarships, on the basis of meeting the prescribed requirements. There is legal entitlement to social scholarship and its award is means-tested, that is the income of the student and the persons jointly assessed with the student is relevant.

189. A higher education establishment provides, from its own resources, scholarships based on the school results, namely for excellent fulfilment of study duties, the achievement of an excellent result in the area of study, research, development, artistic or sports activity, or one-off or periodical social support.

190. Every student has the right to apply for the services of the social support system, provided he or she satisfies the conditions prescribed for their provision. The fact whether the student is of female or male sex is not relevant. The effective legislation in the Slovak Republic provides for equal opportunities to benefit from scholarships and other study grants. The Anti-discrimination Act, in particular, provides for the principle of equal treatment and establishes the legal protection instruments for cases, where the principle has been violated in the area of education.

Article 10 (e)

191. In the area of continuing education, everyone who has shown interest in further education has the right to be educated at any age of his or her life, according to the conditions laid down by the Act No. 386/1997 Coll on further education, according to their abilities and interests. Women and men have the same opportunities and the right to supplement, extend and deepen the acquired education, at any time, to be retrained, or cater for their interests. At the same time provision is made for their equal access to education programmes and activities. Access to further education and retraining is equally enabled for women and men. However, in retraining courses, on a long-term, women prevail, being more willing and flexible in their attitudes to education. For example, the Labour Force Survey data of the Statistical Office of the SR of the SR for the fourth quarter of 2001 shows that the number of women in retraining courses was 2.2 thousand, while the number of men was 1.4 thousand.

Article 10 (f)

192. In the Slovak Republic the equality of sexes is constitutionally provided for in all the areas, including access to education. Free access to education is legislatively guaranteed in primary and secondary schools, and in the higher education establishments according to the financial possibilities of the state, with a comprehensive provision for counselling. Regular school attendance is supervised and regulated by measures to prevent truancy, with a view to reducing the student dropout

rates (in boys and girls), i.e. the number of those who fail to complete mandatory school attendance. Measures to support regular school attendance and reduce the number of those failing to finish school are also component subjects of discussions of many teacher-training seminars.

193. For girls coming from socially disadvantaged settings who have left school without having completed the ninth grade of primary school, an education pathway has been created in the qualification course of study for apprentice schools: 3161 0 practical woman. A new, unconventional solution includes also new forms of informal training institutions within the European concept of “second chance schools.” The initiative of the second chance schools, proposed by the European Commission in the document of 1995, the White Paper “Teaching and learning: towards a learning society”, with a view to combating unemployment among young people aged 16 - 24 years who left school pre-maturely without having attained the required qualification, finds its application also in the Slovak Republic. The schools of second chance contribute to improving the ability and motivation for learning and acquisition of basic knowledge and new skills.

194. In the schools system of the SR discrimination against girls in access to education does not occur.

Article 10 (g)

195. One of the main tasks of physical education and sports is the gradual increase in the women's involvement in sport activities, the creation of conditions for women's assertion at all levels of sports management, as well as different activities for women and girls with disabilities. There are increasingly more women in the trainers/coaches and functionaries' posts in the interest associations, citizens sports associations, etc. Progressively, women get established in the national representations of different kinds of sports, the evidence of which is seen in the successful representation of women at world's top events and at international Olympic Games. These women serve a good example for the young generation of women.

196. The legislation of the SR concerning sports and physical education however does not contain any particular article that would expressly refer to discrimination against women. For the SR in this area the European Sports Charter of the Council of Europe of 1992, is significant which however is not legally binding on the SR. The European Sports Charter states: “No discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status shall be permitted in the access to sports facilities or to sports activities.”

197. Nongovernmental women's organisations, for example, the Women and Sport Commission within the Slovak Olympic Committee (hereinafter SOC), actively operate in the SR with a view to improving conditions and the overall status of women. Its main mission is:

- increasing women's involvement in sports,
- activities for girls and women with disabilities,
- organising “Women in Sport” seminars,

- promoting workshops and courses for women that work as trainers or referees,
- proposing measures and conclusions relating to the solutions of women's problems,
- monitoring numbers women in representation teams and associations as contestants, women trainers, women team leaders.

198. Within the Sports Days, the Commission annually evaluates and also rewards a correspondence competition „Mom, let us go in for a sport”. In the area of sport, the SR has women's representation also in the world conferences. The recent one took place in Morocco in March 2004. Slovakia was represented by Mária Mračnová, a former Olympic contestant and presently the deputy chairwoman of SOC.

199. The idea of Mr J.A. Samaranch, president of the IOC, of the 10 % representation of women in the top functions by the year 2000, and the 20 % representation by 2010, is periodically mapped and evaluated. The Commission supplies information on women to the journal EWS (European Women's Sport) which started its publication in 2000 and which promotes the activity of the Women's Commission with the SOC.

200. The table below gives percentage representation of women in 35 sports organisations.

- 1) the elected women Committee members
- 2) women employees
- 3) women trainers
- 4) women referees
- 5) women doctors
- 6) women members of the representation team

	1	2	3	4	5	6
Up to 10 %	13	10	14	22	14	10
11 - 20 %	8	1	2	6	1	4
21 - 30 %	4	1	4	1	0	1
31 - 40 %	3	2	1	1	1	5
41 - 50 %	1	4	1	2	0	4
More than 50 %	0	7	1	1	0	2
Number of organisations	29	25	23	33	16	26

201. In reply to the question: What are, in your view, the most significant obstacles for women to engage in your sport, 36 organisations gave the following answers:

a	technical demands of the sport	17
b	lack of time	23
c	women do not appreciate the importance of sport for health	0
d	scarcity of funding	17
e	cultural, religious traditions	17
f	political reasons	0
g	tactical demands of the sport	3
h	it is purely a male sport	2
i	we do not organise competitions for women	5
j	other – state what	14

Article 10 (h)

202. No changes have taken place in this area. Further information in the context of this paragraph is given under Article 12.

Article 11. Employment

203. Article 35 of the Constitution of the Slovak Republic guarantees the right to work for citizens of the SR, with the state providing for material security, in a reasonable scope, for those who, through no fault of theirs, cannot exercise this right.

204. In addition to the constitutional provisions, the Act No. 5/2004 Coll. on employment services and on the amendment of certain acts, as later amended, enshrines the right of the citizen to freely choose the occupation and carry it out on the whole territory of the SR, or abroad, with the right being safeguarded for all those who can work, want to work and seek employment.

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

206. Based on the Act on employment services, a citizen has the right to lodge a complaint with the Office of Labour, Social Affairs and Family in respect of the infringement of the above rights and obligations and the Office is obliged to reply to the citizen's complaint without undue delay, remedy

the situation, abstain from such conduct and eliminate its consequences. The Office must not punish the citizen or otherwise place the citizen at a disadvantage for exercising his or her rights following out the right of access to employment. Where the rights have been affected in consequence of infringement of the right of access to employment, or in applying a discriminatory procedure in the access to employment, the citizen has the opportunity under the Anti-discrimination Act to claim legal protection before a court.

207. Under the Labour Code, the employer must not contravene the principle of equal treatment with regard to access to employment when accepting a natural person in employment, the employer must not survey information regarding the family circumstances of the employee, the number of children, pregnancy, family status, etc. Where the employer is in contravention with this obligation upon the rise of the employment relationship the natural person has the right to reasonable financial compensation.

208. In case the employer does not act in compliance with the employment regulations the jobseeker or the employee has the opportunity, within the meaning of the Act No. 125/2006 Coll. on labour inspection and on the amendment of certain acts, as later amended, to approach the competent labour inspectorate. A fine of up to 1 million SKK may be imposed upon an employer guilty of the infringement of the obligations following out of employment regulations. Under the Act No. 552/2003 Coll. on performing of work in public interest, as later amended, the principle of equal treatment in employment and equivalent legal relations must be complied with in the selection procedure, as stipulated in the Anti-discrimination Act. In accordance with the principle of equal treatment, discrimination is prohibited also on the grounds of marital and family status, colour of skin, language, political or other belief, trade union activity, national or social origin, property, lineage or other status. Also the amendment of the Act No. 311/2001 Coll, Labour Code, given effect by the Act No.124/2006 Coll. on the safety and health protection at work enables the employees who have been harmed through the breach of the obligations arising from the employment relations, to lodge a complaint with the competent labour inspectorate.

209. It follows from Article 35 of the Constitution of the Slovak Republic that everyone has the right to free selection of occupation and the preparation for it. Within the employment services, the principle of equal treatment is applied in rendering assistance to jobseekers and job changers, particularly in their search for appropriate employment, as well as in the education and training for the labour market, which is required in order to join the labour market.

210. The Act No. 5/2004 Coll. on employment services and on the amendment of certain acts, as later amended, has extended the possibility of provision of a contribution on services for the family with children, namely to a jobseeker taking part in education and training for the labour market, who is a parent caring after a child before the start of the mandatory school attendance. The intention is to support jobseekers with family obligations to receive education and increase their chances to assert themselves in the labour market.

211. The legislative provision for equal pay – the application of the principle of equality in remuneration between men and women is ensured by the effective legal regulations of the Slovak

Republic. Within the meaning of the Labour Code, wage conditions must be equal for men and women, without any discrimination based on sex, and women have the right to equal pay for work of equal complexity, responsibility, and the demands performed under equal conditions and achieving equal performance and the work results. By defining the criteria of complexity, responsibility, demands and the conditions of work performance, applied to the evaluation of work, indirectly also the right of men and women is guaranteed to the equal pay for work of equal value.

212. The Annex of the Labour Code contains the Characteristics of the levels of difficulty of work positions that establish the demands in relation to the value of work determined under the above criteria. Through the characteristics equal bottom limit for the employee pay claim is legally guaranteed for work which is classified in the same level of difficulty, i.e. which is assigned the same value, namely for every employee, irrespective of sex.

213. In spite of satisfactory legislation, equality has not been achieved in Slovakia in the remuneration of women and men; in 2003 the average earnings of women reached 72.9% of that of men (source: The wage structure in the SR for 2003, Statistical Office of the Slovak Republic, November 2004). The wages gap is greater in the private sector and tends to rise with the level of education achieved. Occupational segregation by gender has been significantly reflected in the wages gap of men and women but it is not the only reason. Lower wages in the SR are characteristic of the industries and occupations in which women prevail. In the feminised industries wages fluctuate at or bellow the level of the average wages in the SR economy.

214. In its Recommendations (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraphs 87 and 88) the Committee expressed concern over the gaps in salaries between women and men and recommended adopting special measures aimed at the elimination of discrimination based on sex in the workplaces, as well as in other spheres of social policy of the state. The fact that the situation in remuneration of women could not be tackled in a longer-term is also due to the absence of effective control mechanisms. In this regard it is positive that by the Act No. 125/2006 Coll. on labour inspection, and the new Labour Code, in which section 3 of § 119 on equal remuneration of women and men was added, the oversight of the labour inspection has been extended to the area of equality between men and women from the aspect of remuneration.

215. In this context, the National Labour Inspectorate conducted inspections in employer organisations. On the basis of one of them conducted in 2003: Strengthening of equal opportunities, reconciliation of work and family life, it was suggested that the inspection in this area be conducted continuously during a longer time span, particularly as regards women and men employees expected to return from maternity leave and persons applying for work in pre-contractual arrangements. The National Labour Inspectorate and regional labour inspectorates shall, within the meaning of the Act on labour inspection, continue conducting individual inspections aimed at checking compliance with the effective regulations pertaining mainly to reconciliation of family life and work, and shall work on the development of more effective methodologies and indicators for assessing compliance with the principles of gender equality in employment. In 2006, labour inspection authorities began undertaking a minimum of 240 inspections under the task “Working conditions as determinants of gender labour

inequality". Inspections should be focused on compliance with the provisions of the regulations regarding equal opportunities in acceptance in employment; professional advancement; compliance with the regulations in employing women, pregnant women and mothers until the ninth months of confinement and of adolescent employees; and the regulations ensuring safety and health protection at work.

216. One of the key parametric changes in the social insurance system was the elimination of the differentiated position of men and women in the pension system. Women, more than men, are likely to interrupt their working careers on family grounds, which is addressed by awarding certain pension entitlements in the period in which they are rearing their children. But even those redistribution mechanisms have failed to fully tackle the problem. For these reasons, the main area in which the socially acceptable principles of equality of men and women need to be enforced is the area of the labour market. It is because the amount of pension benefits is derived from the amount of previous earnings.

217. The new legislative provisions of the social insurance system, effective from 1 January 2004, have unified the entitlement conditions for survivor's pensions for men and women, whereby the preferential position of women in this area has been eliminated.

218. The equal position of men and women is equally significantly visible also in the new system of old-age pension saving scheme, in which the calculation of pension is conditional on the use of gender non-differentiated (unisex) death tables.

219. Pursuant to the Act No. 461/2003 Coll. on social insurance, as later amended, in the period under review, the State paid insurance contributions for old-age pension and invalidity in respect of a natural person, that personally and on a daily basis, takes care of a child aged up to six years, or until seventh year of age of a child with a long-term unfavourable health state. The assessment base of the State on which these insurance contributions are paid, is 60 % or 70 %, respectively, of one-twelfth of the general assessment base. From the effect of the Act No. 43/2004 Coll. on old-age pension saving and on the amendment of certain acts, as later amended (from 1 January 2005) the state pays also the contributions for old-age pension saving in respect of the referred scope of persons.

220. Compared with the pension security legislation, effective until 31 December, 2003, when the entitlement to the old-age pension was conditional on the achievement of minimum 25 years of employment and reaching of the required age, that was established essentially in a differential manner, by sex, and the age prescribed for the entitlement to old-age pension of women was differentiated according to the number of children reared, with effect from 1 January 2004, fundamental changes have occurred in the entitlement conditions for old-age pension. The new act on social insurance provides for a period of pension insurance determining the entitlement to old-age pension uniformly for men and women, namely in the cope of at least 10 years, and for gradual increase and unification of retirement age for old-age pension, in men and women to 62 years. Before the effect of the new act on social insurance, the retirement age for men was 60 years and the retirement age for women was 53 to 57 years, depending on the number reared children.

221. All legislative provisions, referred to in the introduction, from the health sector cover the protection of health of the employee, with special regard to the protection of health and safe conditions of work, including safeguarding reproductive function of the woman as a mother.

222. The Labour Code does not recognise the application of a notice on the grounds of pregnancy, maternity leave, or marital status, and hence the employer cannot give them as reasons for a notice served on an employee. The employer may serve a notice on an employee only on the grounds that are listed in the Labour Code (organisational reasons on the part of the employer, health reasons, breaking of the work discipline on the part of the employee, failure to fulfil the requirements and prerequisites, unsatisfactory performance of one's work tasks). The reason for notice must be defined by merits so as to ensure that it is not confused with another reason; otherwise the notice shall be null and void. The reason for notice cannot be subsequently changed.

223. The Labour Code is framed on the protection of the employee with family responsibility. During the time when the woman-employee is pregnant, or is on maternity leave, or when the woman-employee or an employee is on parental leave, or a lone employee takes care of a child under three years of age, the employer may not serve them a notice. The employer may terminate employment relationship with the above group of employees only exceptionally, namely in the cases where the employer, or a part thereof, is dissolved or relocated. Equally the employer may not summarily terminate employment relationship with a pregnant employee, with an employee on maternity leave, or with a female or male employee on parental leave, with a lone female employee or with a lone male employee, where they take care of a child under three years of age, or an employee who personally takes care of a close person that is a person with a severe disability. But, with the exception of a female employee on maternity leave and the male employee on parental leave (§166 paragraph 1 of the Labour Code), the employer may terminate their employment relationship by notice on the grounds of their being convicted of an intentional criminal offence, or where they have seriously contravened the work discipline. The period of notice shall end simultaneously with the lapse of maternity or parental leave.

224. There was no change in the period under review; within the meaning of the Labour Code, women and men are entitled to maternity leave, parental leave, or to attending to a sick member of the family during own sickness, or that of their children, or if they accompany their children to undertake medical examinations.

225. In its Recommendations (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraphs 89 and 90) the Committee expressed concern over inadequate provision for measures furthering the reconciliation of work and family life. No changes of significance have occurred in this area in the period under review.

226. The Ministry of Labour, Social Affairs and Family gives great attention to the issues of reconciliation of work and family life placing it among its priorities for the years 2005 – 2006. The ministry prepared a special document proposing a set of measures for the reconciliation of work and family life. These measures are also included in the strategic documents of the ministry in the field of employment, such as the National Action Plan of Employment for 2004 –2006 and the Action Plan for

Education and Employment. The Ministry of Labour, Social Affairs and Family has made it a tradition to implement the project of the social audit, Family and Work. Annually, a competition is held - "The Family-Friendly Employer" the purpose of which is to reward and motivate employers to create the working conditions that would take account of the family responsibilities of their employees. The competition assesses employers in 3 categories: family policy, equal opportunities between women and men, and the most original measure for the benefit of the family. Employers enter in the competition measures that they have implemented in the area of flexibility of work and working time; measures for individual development of employees; measures within services for family as assistance with care of children and family members; assistance with the running of households; financial contributions for families of employees; and the support for leisure and recreation activities of employees. In the category of equal opportunities, employees' gender structure is monitored, including staff in decision-making positions. A great emphasis is laid on gender-non-discriminatory remuneration, recruitment, gender-sensitive support for professional and career advancement and qualifications of women and men.

227. Another measure furthering the reconciliation of work and family life, creating prerequisites for the rise of more flexible child-care services in the child's home setting or outside it in the child-care facilities implemented by the adoption of the amended act on parental allowance has extended the options in the provision for a qualified care of the child aged up to three or six years, and at the same time it has facilitated participation of parents in the preparation for and participation in the labour market. As has been pointed out in the previous section, after this amendment the working parents who have arranged for childcare by another person, as well as the parents who take care of the child personally, can draw parental allowance.

228. A range of after-school facilities constitutes the supporting network for the employed parents (school youth centres, social service homes for children, nursing care stations, children's clubs, day-care child sanatoria for physically and mentally disabled children, etc.) Various kinds of nursing services are provided also through self-employment or within the development of businesses in childcare and care of other dependent family members.

229. Pre-school education in kindergartens for children aged 2 to 6 years is an integral part of the upbringing and education process. As of 30 September 2002, 70.02 % of the 4-year old child population, and 84. 11 % of the 5-year old child population were placed in kindergartens in Slovakia. The almost 10,000 children under 3 years old that are placed in kindergartens suggest that despite the option of drawing parental allowance many parents prefer the combination of paid work and professional childcare.

230. In this respect, it must be noted that the number of pre-school facilities has not increased in recent years. Just the opposite, by the public administration reform, i.e. by devolving the state's responsibilities onto self-governing authorities there has been a significant reduction in the number of kindergartens. Apart from the above reason, the decline in the number of kindergartens was also due to meeting the request of the former Government for rationalisation of pre-school and school facilities insofar as the child population was falling. Between 30 September 2001 and 30 September 2004, a total of 217 kindergartens have been closed. By devolution of financing competencies in the area of

kindergartens from the state to municipalities, between 30 September 2003 and 30 September 2004, 180 kindergartens have been closed whose founding entities were municipalities. During this period 4 private kindergartens and 16 church kindergartens that are funded by the state have been set up.

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

232. The employment legislation makes provision for the reconciliation of work and family life and the support of equality of women and men in the labour market as follows.

233. The Labour Code in a number of provisions stipulates the prohibition of discrimination based on sex: working conditions are provided for women, enabling them participation in work with regard taken of physiological factors and their social function in maternity, and for women and men, with regard to their family obligations in rearing children and caring after them. In taking up workers in employment relationships, before signing of the employment contract, the employer may not request from a natural person information on pregnancy and on the family circumstances. Also the employer may not violate the principle of equal treatment as regards access to employment.

234. As for the employee's working time adaptation related to the need to give care to a family member owing to age or health state, the Labour Code permits to agree an employment relationship for shorter working hours. Shorter hours of work do not have to be distributed over all working days. An employee in an employment relationship for shorter working hours must not be placed at a disadvantage or be restricted, compared with an employee employed for the established working hours. Where a pregnant woman, or a woman or a man taking care, on a permanent basis, of a child aged up to 15 years, apply for shorter working time, or other convenient arrangements of the set weekly working time, the employer is obliged to grant the application, if it is not precluded by serious operational reasons. This provision equally applies to an employee who personally takes care of a close person who is prevalingly or wholly immobile, and who is not provided care in a social service facility, or institutional care in a health facility. Part-time work is not an unequivocally positive measure in Slovakia; women in Slovakia prefer flexible working time to part-time work.

235. The Labour Code also provides for the institute of home worker and for the flexible working time. The employer may agree with the employee in the employment contract a shorter than the established weekly working time. The employer is obliged to create conditions enabling to satisfy the requests to have the scope of weekly working time changed.

236. The employer and the employee may agree a fixed term employment relationship, an employment relationship with work being carried out at home, as well as an employment relation based on a contract for work. The employer also has an option to introduce flexible working time.

237. Under the Labour Code, where the operations of the employer so permit, the employer may authorise appropriate change of the established weekly working time for a female worker, at her request on health or other serious grounds on her part, or agree a altered working time with her in the employment contract, under certain conditions, subject to her request. Where the female or male worker return to work upon completion of maternity leave, or parental leave, the employer is obliged to assign her to her original work and the workplace. Where this is not possible because the work is no longer performed or the workplace has been closed, the employer must assign her to other work corresponding to the employment contract.

238. In order to facilitate participation in education and training for the labour market for those women and men that are registered jobseekers and that take care of a child before start-up of mandatory schooling, and who during the time of education and training for the labour market need to reconcile their parental obligations, the Office of Labour, Social Affairs and Family may provide an allowance for services for the family with children. The intention is to support jobseekers with parental obligations to be trained and increase thus their chances on the labour market.

239. Various operational programmes under the European Social Fund are designed to support specific projects aimed to support parents upon their return from maternity or parental leave, or from longer-term care after other dependent persons; encourage employers in introducing family-friendly corporate policies; develop the information services in the area of childcare and care services for other persons dependent on their working family members; promote networking/cooperation of self-government officials, employers, trade union organisations, nongovernmental organisations, and other relevant actors with a view to developing comprehensive, sustainable policy furthering the reconciliation of work and family in both men and women; motivate employers for setting up high-quality and affordable care services for dependent family members in order to enable employees with family obligations to better combine work and family and develop their work careers or have more room in searching for new job opportunities.

240. Within the meaning of § 161 of the Labour Code, women must not be employed in work that proves to be physically inappropriate or harmful to their organism, particularly works that endanger their maternity function. Neither can a pregnant woman be employed in work that according to medical assessment may jeopardise her pregnancy due to her state of health. This prohibition equally applies to a mother up to the end of the ninth month following confinement, and to a breastfeeding woman. The implementation of this article is legislatively fully covered by the Regulation of the Government of the SR No. 272/2004 Coll. which establishes the list of works and workplaces prohibited for pregnant women, mothers of children under nine months of age and nursing mothers, the list of works and workplaces associated with specific risks for pregnant women, mothers of children under nine months of age and nursing mothers and by which certain obligations are established for employers employing these women.

241. Annex 1 of the cited Government Regulation provides for absolute prohibition of employing pregnant women, mothers of children up to nine months of age and nursing mothers in works that pose imminent and serious hazards. The employer must under no circumstances impose the works on them.

242. Under the Act No. 124/2006 Coll. on the safety and health protection at work, the employer shall be responsible for the assessment of specific risk associated with work and the workplace. The employer has to undertake the risk assessment and adopt the necessary measures on the basis of specialist assessment by the competent medical doctor of health fitness for pregnant women, mothers until completion of the ninth month after confinement and nursing mothers from the aspect of potential effects on pregnancy. Equally the employer is obliged to inform pregnant women, mothers until the completion of the ninth month after confinement and nursing mothers and the employee representatives of any matters relating to the results of the risk assessment and of all measures that are to be adopted with a view to ensuring safety and health protection at work.

243. The legal regulations given above are reviewed periodically in the light of the requirements of the EU directives and the findings of the research institutions in the SR, namely the Centre for Work and Family Studies, whose one of the tasks is to look into the occupational safety also from the gender aspect.

Article 12. Health

244. To ensure to women adequate access to health care services in the SR, health advisory centres are set up with every regional public health authority. In cooperation with other relevant institutions, they contribute to raising awareness of the problems of discrimination against women by their education and counselling activities, particularly in the area of the serious social problem of violence against women, or the elimination of domestic violence. With their activity they help with the preventive information and education activities in the regions of Slovakia, thereby contributing particularly to the changing of attitudes and gender stereotypes in the society as regards the problems of violence against women, which is the first prerequisite for its elimination. In addition, specialised upper-tier advisory centres are set up that are directed at the management of notorious risk factors of the life style.

245. The supervision of the compliance with preventive medical examinations of women in the working process is undertaken within the framework of the state health supervision over the workplaces included in the health prevention system. In the field of primary health care, the main activity is focused on preventive and dispensary care by medical practitioners and doctors specialised in gynaecology and obstetrics while in the field of secondary health care, the focus is on the implementation of cardiovascular programme, oncologic programme and the development of mother and child care. Within treatment and prevention care, a major portion of care lies on gynaecological surgeries of first contact and in connection with them also on the gynaecological and obstetric departments of hospitals with outpatient clinics and specialised surgeries. However, in the districts, attracting the interest of certain groups of women in preventive examinations continues to be a problem. In a number of cases this problem is addressed through projects in cooperation with non-governmental organisations.

246. Pursuant to the Act No. 577/2004 Coll. on the scope of healthcare covered by the public health insurance and on settlement for healthcare-related services, as later amended, gynaecological preventive examinations are fully covered by the public health insurance, namely one preventive

examination per year for the policy holder aged from 18 years, or from her first pregnancy at a doctor specialised in gynaecology and obstetrics. Based on the cited act, if necessary, women are dispensed and invited for the follow-up.

247. The cited act also provides for the health care for pregnant women, women during labour and in the puerperium. On the basis of the public health insurance, following preventive examinations are fully covered: two preventive examinations of a pregnant policy holder at the dentist, and one preventive examination of the pregnant policy holder per month and one preventive examination six weeks after confinement, at the medical doctor specialised in gynaecology and obstetrics.

248. If a pregnant woman is admitted to the hospital in connection with a risk pregnancy or delivery, she is discharged from the obligation to pay for the services connected with the provision of healthcare.

249. Every pregnant woman is screened within the pre-natal care. In the area of cardiovascular diseases, risk patients are identified during pregnancy, by periodical monitoring while using hormonal contraception and in hormonal substitution treatment during the menopause, and they are also followed up in cooperation with internal outpatient clinics. In case the patient fails to turn up for preventive examination on her own, she is invited in writing by the gynaecologist, with whom she has concluded her agreement on the provision of health care. The number of preventive gynaecological examinations has annually a rising trend.

250. Within pre-natal care, drug addicted women are actively searched for and their cases are consulted with the Centre for the Treatment of Drug Addictions. If appropriate, they are included in treatment programmes at the advice of the medical doctor. The numbers of drug addicted expectant mothers are annually evaluated within a national analysis.

251. The healthcare workers in the primary care, and particularly, in the public healthcare institutions and in specialised healthcare facilities for the treatment of drug addictions carry on public education within prevention programmes. In the primary prevention they target young people and particularly girls with a special content highlighting the risks of using drugs for their prospective role of mothers. The treatment of female patients with existing drug or alcohol addictions covers, within counselling and psychotherapy, special themes of sexual life, reproductive health and the role of mothers.

252. Measures for the drug-addicted are set out in the National Programme of Combating Drugs and the National Action Plan for the Problems with Alcohol. The implementation of the tasks set out in the programmes is coordinated by the General Secretariat of the of Ministers' Committee for Drug Addictions and Drug Control. Financial coverage is secured through the Anti-drug Fund, from individual sectoral chapters of the state budget and other sources.

253. The Slovak Republic has had a relatively low mortality of mothers since 1985. The most common causes of mortality in mothers are bleeding complications. The prospect of reducing the number of cases of mother mortality depends on their correct management. As the number of deaths

of malignant tumours of female sexual organs and other oncologic diseases is gradually increasing in the Slovak population, the health sector strives to reverse this unfavourable trend through primary contact preventive care.

254. Mortality of children aged up to 5 years, as a WHO recommended indicator, has been monitored in Slovakia since 1993, and has a falling trend (1993: 12.9 ‰, 2002: 9.5 ‰). It is expected to further fall by the year 2015.

255. To date, the Slovak Republic belongs to the countries with low incidence of HIV/AIDS infection. The latest statistics show that there were a total of 200 cases of HIV infection in Slovakia from the year 1985, of which 127 cases were SR nationals. Of the total 127 cases, women made up 24 cases, and men 103 cases. As of 31 December 2004, there were 216 HIV-positive cases diagnosed in the SR (of which 113 are men and 24 women) and 36 cases of the AIDS disease. As of 30 June 2005, a total of 228 HIV-positive cases have been diagnosed (of which 148 were SR nationals and 80 were aliens) and 40 cases of the AIDS disease.

256. The Committee was deeply concerned in its Recommendations (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraph 91) over high number of abortions in the SR, particularly over the fact that the abortions have become a part and a form of family planning. The data on abortions is annually given by the Statistical Office of the SR in its publication "The State and the Movement of the SR Population," down to a district level, and is comprehensively analysed in the "Development in the SR Population". From the year 1988 the number of spontaneous abortions and induced abortions has had a falling trend. In 2003, there were 14.2 thousand induced abortions registered, which is down by 1.2 thousand from the year 2002, and in 2004, there were 13.1 thousand induced abortions. Over the course of last 5 years, the number of abortions fell by 18.7 percent. While in 1999 there were 1.4 abortions per one woman of fertile age, in 2004 it was only 1.0.

257. Based on the statistical data, the use of modern contraception methods by women of fertile age (15 - 49 years) increased from 2 % in 1998 to 18.5 % in 2002 (in the context of the reply to the Committee's Recommendation - A/53/38/Rev.1, paragraph 91). Over the last 15 years there was a sharp increase in the number of hormonal contraception users. Every physician – gynaecologist has to inform the patient when establishing the medical documentation about the methods of family planning, including contraception, the type of which is then selected individually, according to the age, and on the basis of a questionnaire that identifies and selects the suitable type of hormone contraception. Hence, contraception is accessible to all women, (is subject to the consent of the parents for the 15 to 18 years old), on the basis of the recommendation of the gynaecologist (that is, on prescription) and has to be paid for.

258. In comparing the age categories, the reproductive behaviour of younger women seems to be more responsible – they rely more on contraception, than on abortion. It is also evidenced in the growth of the proportion of the users of contraception methods in women of fertile age (in 1999 it was 21.1 percent, by the year 2004 the proportion went up to roughly 25 percent).

Government documents and strategies

259. The Ministry of Health of the SR has prepared the document, the National Programme for the Protection of Sexual and Reproductive Health in the SR” that draws on the strategy of the World Health Organisation – EURO (SZO-EURO), as well as other important international documents. The main objectives in the field of sexual and reproductive health include the improvement of the quality and accessibility of health care services of sexual and reproductive health, monitoring and control of the sexually transmitted infections, including HIV/AIDS, and the prevention of oncologic diseases. Other areas comprise the prevention and elimination of domestic violence and sexual abuse, as well as the prevention of the trafficking in women. The document has not yet been approved by the Government of the SR. Another of the Government's objectives is to introduce, by 2005, sexual education at all levels of schools, with the set content for individual levels and, by 2010, reduce the number of unwanted pregnancies in the juvenile and adolescent by 50 percent.

260. The main document focusing on the improvement in the nutrition of the population was prepared in 1999 under the title “the Programme of the Improvement of Nutrition of the SR Population”, and is being implemented in cooperation with the other sectors (finance, education, agriculture). It was developed on the basis of the WHO Recommendations relating to healthy diet.

261. According to statistical data, the attendance rate of pregnant women in pre-natal advice centres is, on average, satisfactory. Preventive examinations of pregnant women take place once a month, within the visits to the pregnancy advice centre, with an emphasis on the investigation of the causes of hypoxic foetuses, premature childbirths, congenital developmental defects and the defects of the development of the foetus. Frequency of preventive examinations in pathological pregnancy is adjusted to the actual needs (an extract from the professional guideline published in the Journal of the Ministry of Health SR 1997, section 3-4, Preventive examinations in gynaecology and obstetrics).

262. Regional public health authorities in the SR promote breastfeeding using proven methods, such as the implementation of the Baby Friendly Hospital Initiative (BFHI) programme, initiating the creation of mother support groups, extending assistance in education for maternity and childcare in districts having high proportion of the Roma population. In 2003, 11 workplaces held the BFHI certificate in Slovakia; in the year 2004 there were 15 such workplaces. Additional 17 hospitals joined in to implement the programme designed to encourage optimal mother care of the child, particularly supporting the natural nutrition of the infants.

263. The lactation programme administered directly in the surgery of the medical practitioner for children and young people, with an emphasis on individual approach, has proved successful and brought about positive results in recent years in the improved attitude of mothers to breastfeeding. To support the lactation programme, almost all departments of gynaecology and obstetrics in Slovakia have introduced the rooming-in system.

264. In the 1990s, owing to the BFHI, by promoting breastfeeding, frequency and length of breastfeeding increased, particularly in the districts with BFHI hospitals, in which the length of breastfeeding went up 20 percent

265. The issues of anonymous and concealed births are provided for in the Act No. 154/1994 Coll. on birth registry, as amended. Under the cited act, the entry in the book of births of a child, whose mother abandoned it after the delivery in the hospital and at the same time applied in writing for the concealment of her identity in connection with the childbirth, shall be executed on the basis of the report of the doctor assisting at the delivery. The doctor's report shall be dispatched to the birth registry office not later than on the day the mother is discharged from the hospital, and it must contain the day, month, year and the place of the child's birth, and where it involves multiple childbirth, also the time order of the birth, and the information on sex of the child. The information on the mother is not written in the birth certificate of the child.

266. In 2005, three "baby nests" (in the Slovak language, the rescue nests) were set up in Slovakia. They are public incubators (placed in the entrance wall of the hospital) and leading into the newborns departments, where mothers in a crisis situation can safely abandon their child without endangering its life. This right of mothers is provided in the Act No.536/2005 Coll. on natural curative waters, natural curative spas, spa sites and natural mineral waters, which, under Article V, amends the Act No.576/2004 Coll. on healthcare and healthcare-related services, making provision for the right to abandon a newborn for the purpose of rescue in a publicly accessible incubator, which the hospital operating a newborns' department has set up.

267. On the cause of the alleged forced sterilisations of the Roma women we give the following statement: On 21 September 2004 an international nongovernmental organisations based in Budapest submitted a notification, under Article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, to the Committee on the Elimination of Discrimination against Women, which, in the view of the nongovernmental organisation, contained well-grounded data on the systematic violation of Article 12 of the Convention by the Slovak Republic. The Government of the Slovak Republic submitted a statement to the notification within the prescribed deadline. On 1 August 2005, the Secretariat of the UNO SR, by a note, informed about the decision, in which the Committee appreciated the legislative steps of the SR Government (the adoption of the new Act on healthcare) and decided not to undertake the inquiry within the meaning of Article 8 of the Optional Protocol.

268. The information regarding the problem of the alleged sterilisations of the Roma women without their consent, or the alleged forced sterilisations of the Roma women attracted attention in Slovakia already in 2003, after the publication of the report "The Body and the Soul". In connection with the information, two parallel investigations were conducted in Slovakia (the criminal proceedings which took place under the supervision of the General Prosecutor's Office of the SR, and the National Council of the SR Committee for Human Rights, Nationalities and the Status of Women and the Health Inspection). Extraordinary specialist health inspections were conducted in 67 departments of gynecology and obstetrics in Slovakia. Both investigations have failed to establish the suspicions referred to in the report "The Body and the Soul" and they have not been proved either in the other inspected healthcare facilities. The health inspection, however, did reveal administrative shortcomings in the provision of health care but those affected the whole population and did not have the ethnic dimension. As part of this and in consequence of the investigations, a consistent revision of the healthcare legislation was undertaken in Slovakia and the NC SR enacted the Act No.576/2004

Coll. on healthcare, healthcare-related services and on the amendment of certain acts, as later amended. This act enshrines the institute of the informed consent and provides that the sterilisation can only be executed on the basis of an application in writing and the informed consent in writing, after prior information of the legally competent person, or the statutory representative of the person incapable of giving the informed consent, supplemented with the application in writing for informed consent of the person incapable of giving informed consent and the court's ruling on the basis of the application by the statutory representative. The delivery of information preceding the informed consent must contain the information on the alternative methods of contraception and family planning, the potential change in the living circumstances that have led to the application for sterilisation, the medical consequences of sterilisation as a method whose objective it is to irreversibly obstruct fertility, and on the conceivable failure of sterilisation. The application for sterilisation is submitted to the provider performing the sterilisation. The application for sterilisation of a woman is assessed and the sterilisation is performed by the medical doctor specialised in the medical branch of gynaecology and obstetrics; the application for sterilisation of a man is assessed and the sterilisation is performed by the medical doctor specialised in the medical branch of urology. Sterilisation cannot be administered before 30 days have lapsed of the informed consent.

269. The informed consent is also given by a woman, who applied in writing to have her identity concealed on connection with a delivery. In this case the healthcare worker is obliged to give the information to the woman.

270. By the Act on healthcare and healthcare-related services a new substance of the criminal offence has been introduced in the Criminal Act No. 140/1961 Coll. (now the new Criminal Act No. 300/2005 Coll.) of the illegal sterilisation. With effect from 1 January 2006, under § 159 of the Criminal Act, the “illegal sterilisation” is a criminal offence against health, and constitutes a serious violation of human rights. By introducing this substance of the criminal offence, the Slovak Republic implements the international legal obligations arising from the international instruments on the protection of human rights and fundamental freedoms, as well as other recommendations of international bodies and organisations.

Article 13. Family and parental matters

Article 13 (a)

271. As has already been noted, from January 2004 a change has taken place in supporting families with children. Working parents may, in addition to the child allowance, receive a so-called tax bonus, monthly, in respect of every dependent child, which is intended to act as motivation for job search and job retention and at the same time should help the low-income groups (it is provided on the principle of a zero tax). Through this tax instrument the state increases the net income to parents with dependent children, who carry out gainful activity, with effect from 1 September 2005, by 450 SKK per month per every dependent child. The state supports the families with children also through a contribution liability advantage (the rate of insurance contribution for old-age pension is reduced to one parent by 0.5 % per every dependent child, without it having an effect on the pension).

272. Child allowance is the most common family benefit, provided at 540 SKK/monthly regardless of the family income, in respect of every dependent child but not longer than until the child reaches 25 years of age. With a view to mitigating the initial increased expenses of parents associated with the provision for the necessary needs of the newborn, parents are provided the child birth allowance. It is provided as a one-off benefit in respect of every borne child. With effect from 1 September 2005, the amount of the childbirth allowance was increased to 4,460 SKK. In the case of multiple children born simultaneously, the childbirth allowance may be increased by half of the cited amount, or parents may be provided another single-time allowance on the relevant calendar days until the children born simultaneously reach 15 years of age.

273. In the provision of alternative family care, the state provides single-time and periodical allowances to cover the needs of the child entrusted in alternative family care, and a recurrent allowance to foster parent.

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

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

Article 13 (b)

276. In the Slovak Republic women are not discriminated against in their access to loans, mortgages and other forms of financial credit. The input questionnaires and interviews with bank officers are unified. The internal assessment of the risk level of applicants for loans may be a potential discriminatory factor, where the risk is established differently with respect to men and women applicants. In women applicants, larger number of economic situations involving risk can occur (lone mother with children after divorce, the woman on a maternity leave, the woman's more frequent disability for work owing to her own sickness, the sickness of children, or the care of the dependent family members, etc.) In a man applicant – this risk is not assumed.

277. In 2005, the Council Directive was adopted No. 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services. By implementing the directive, the use of different risks with regard to sex will gradually be eliminated.

Article 13 (c)

278. The issues at hand are dealt with under Article 10, letter g). In addition we note that within the efforts to create opportunities for broader range of leisure activities for women, the self-governing

authorities through their organisations – public culture centres - organise periodical events for the population of their regions. Sports activities for women are mostly less financially costly and male sports activities, such as football, hockey, etc., are supported with larger financial volumes.

Article 14. Rural women

279. In its Recommendations the Committee (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraphs 93, 94 and 95) expressed concerns over the absence of the development programmes for rural women and requested the Government of the SR to provide information on the measures taken to strengthen the position of rural women and to promote their economic independence. Within the meaning of the intends of the Ministry of Agriculture of the SR, the ministry will record the Recommendations under paragraph 93 and 94, and will take them into account in the preparation of the support programmes.

At present the following activities have already been undertaken:

280. The programme document to ensure gender equality in the Slovak society – the Concept of Equal Opportunities between Women and Men, which has been referred to under preceding articles, contains measure No. 10: “Promoting projects to increase the status of the rural women and men with lesser development chances”. Under this measure attention is paid to women in the rural areas and in less developed regions, including the Roma women. This involves, in particular, the supporting of their education and business activities and the associated activities.

281. The questions of creating equal conditions for the development of the economic activities of women is provided under the Act No. 503/2001Coll. on the support of the regional development which enshrines that the “partnership is an active cooperation of social and economic partners in the preparation, implementation, monitoring and evaluation of the programming documents, with account taken of the need to promote equality of men and women”. The act further refers to the “development of human resources with a view to achieving a balance in the development of the demand and supply on the regional labour market and creating equal opportunities for men and women”.

282. The National Development Plan produced by the Ministry of Construction and Regional Development of the SR, in the Chapter “The harmony of the strategy and the policies”, contains a section on the “Elimination of inequality and the introduction of equality between men and women”.

283. Through the Operational Programme of the Ministry of Construction and Regional Development, Basic Infrastructure, under Priority 3 – Local Infrastructure, a special attention is paid in the preparation of projects to the provision for equal opportunities between men and women. The applicant is obliged to state in his or her project in what way the project contributes to women's employment, or the number of newly created jobs filled with women may be one of the basic indicators of the project's results. Similarly, the Single Programming Document for Objective 2 upholds one of the major priorities of the European Union, “equal opportunities between men and women”.

284. Education in the field of business and self-employment is supported via the National Agency for the Development of Small and Medium-sized Enterprise (NADSME) also by means of a network of 9 contact points centres. The contact point centres (CPC) ensure easy access of entrepreneurs - men and women- to the necessary counselling and information services. The main purpose of CPC is, by the services rendered, to contribute to the improvement of the business climate and the structure of businesses in the region; through an active policy, encourage the creation of new job opportunities; and through the counselling and information services, increase the competitiveness of small businesses (to a large extent set up by women) and the medium-sized businesses in the region to match up with the European level.

285. Another support scheme for novice small entrepreneurs (many of which are women) is the updating of the grant programme START 2000. The subject of the scheme is to grant de minimis assistance taking the form of a financial contribution for the projects of small entrepreneurs starting in a region, whose GDP does not reach 75 % of the per capita GDP in the EU. The objective is to support the use of progressive technologies. Assistance is designed to support the projects aimed at industrial production, crafts manufacturing, or the activities facilitating the development of services of industrial nature.

286. In 2003, the Rural Development Agency focused its activities on encouraging interest in the SAPARD programme. The subscribers of the education activities were primarily the men and women entrepreneurs in the rural tourism. Collective consultations have been held in individual microregions on the SAPARD programme, and specifically for women entrepreneurs. A project was prepared, titled “Women entrepreneurs and men entrepreneurs in the countryside” with an objective to increase access of women to information and to credits at reasonable interest rates, and hence increase their corporate capacities, economic independence, prepare the female attendees and the banking sector to meet the future financial requirements within the traditional banking system.

287. The Ministry of Agriculture of the SR, the Agency for the Rural Development and the Agro Institute have also implemented the following supporting projects for women – for rural women and for rural women entrepreneurs:

- assistance and technical assistance in drawing up project documentation;
- in microregions - consultations with women female mayors and entrepreneurs;
- counselling for the novice women- entrepreneurs in the countryside, courses and training events on “how to start a business” – motivation for business activity;
- implementation of education activities; technical cooperation in training and workshops for rural women;
- technical assistance for rural women taking the form of counselling, information technologies and training programmes;
- assistance in drafting grant proposals; counselling in writing applications for grants;
- assistance and technical assistance in establishing citizens associations;
- participation of women in conferences abroad, gathering timely information; presentation of Slovak women – entrepreneurs abroad;
- the competition “the rural woman leader of the year”;

- the National Forum of Rural Women held on the occasion of the celebrations of the World Day of Rural Women (Nitra 2004), as an accompanying event of the 12th Session of the FAO taskforce on women and the family in the rural development for Europe.
- 12th Session of the FAO Working party on women and the family in rural development for Europe (October 2004).
- The Ministry of Agriculture of the SR supported the preparation of the Report on the Progress in the implementation of the Action Plan on gender and development issues for the period 2002-2007 that was approved by the 33rd FAO Conference (Rome, November 2005).
- Within Pan-European conference EUROMONTANA the Ministry of Agriculture in working with the Rural Parliament ensured the management and organisational preparation of the international working group on the “Distributing and adding value to mountainous areas – new business opportunities, the role of women and youth –cases studies.”

288. With a view to eliminating obstacles that prevent women from setting up new businesses or becoming self-employed, a pilot project was implemented, Rural Women Saving Group for the creation of the cooperative micro credit scheme. Its objective was to increase access of women to information and credits at affordable interests rates thus contributing to the economic development of rural regions.

289. In 2002, the Rural Development Agency held a number of information meetings and training events with the purpose to set up another group in addition to the already functioning rural women saving group in Hrachov. As suitable adepts could not be found for the creation of a new saving group, with the consent of the donor, training activities were commenced.

- In June 2002, a six-day retraining was held in Heľpa in double–entry bookkeeping, in which 21 women from Heľpa, Telgárt and Podbrezová have taken part.

- In July 2002, a 2-day course in assertiveness and communication was held in Heľpa, attended by women from Heľpa and its immediate vicinity.

- In September 2002, a two-day course, The Road to Understanding, was organised in Čierny Balog in which the women participants gained the skills which they can use in communicating in the work team, negotiating with the authorities, on the labour market, in business, etc.

290. Gender equality is also taken into account in the programming documents for the implementation of the Structural Funds of the EU. In the Rural Development Plan, in the section of the “Equal Opportunities for Women and Men”, and in the sectoral operational plan “Agriculture and Rural Development 2004 – 2005”, in the section of the “Principles of the Programme Strategy”, point 2 reads: In particular measures “equal opportunities for men and women” are respected. In practice that means equal opportunities for the applicants for the assistance.

291. For the forthcoming programming period 2007 – 2012, the rural development will be supported by a new structural fund within which in connection with supporting rural women employment the potential support of children’s school facilities is likely to be included.

292. With regard to credits, in the businesswomen's perspective, it is vital to increase the volume of funds available for successful, effective and hitherto inadequate form offered – the microcredit. Microcredits to small businesses are in great demand by women, belonging to an area characterised by the greatest repayment discipline. In this context fall the saving groups, referred to as the pilot project of the Rural Development Agency in Nitra. In the year 2002 saving for the start-up or extension of one's business was extended to new women's groups. Of them, 29 women participated in 5 information meetings. The information on this project was also provided to other lending organisations at the conference, “Rural development – examples and experience” (May 2002, Detva). Training events of savings groups were also held in v Spišský Štvrtok.

293. As regards the Committee's Recommendation (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraph 96) to gather and make accessible the statistical data on social, economic and political status of women belonging to national minorities we note, that the official statistics monitoring the problems of rural women, or the Roma rural women, are not available.

294. The quantitative and qualitative research of the Roma communities in Slovakia is inadequate for several reasons. The main reason is the application of the Act No. 428/2002 Coll. on the protection of personal data that prohibits to process personal data categories revealing racial or ethnic origin, if the person concerned has not granted explicit consent with the data processing.

295. According to the recent Population Census in 2001, 89,920 of the SR nationals have acknowledged their association with the Roma minority, which constitutes 1.7 % of the total population. This statistics however significantly underestimates the figure of the Roma population. Many sociologists give as the main reason of the inaccuracy of statistics, the tendency of the Roma population to identify themselves with the members of the local nationality majority.

296. With a view to gathering comprehensive information on the living conditions and the status of the Roma in Slovakia, the Office of the Plenipotentiary of the SR Government for the Roma Communities, initiated a sociological mapping that was implemented by the Space Foundation, the Institute for Public Issues, and the Regional Centre for the Roma Issues in 2004. The conclusions of the mapping put the number of the Roma living in Slovakia at around 320,000.

Demographic profile

297. The Roma population is, on average, significantly younger and the Roma women show higher birth rates than the majority population. This has also emerged from the Regional Human Development Report – “The escape from dependency trap”, which was implemented in 2001 – 2003 by the UNDP and the International Labour Organisation (ILO) as a comprehensive quantitative study of the Roma minority in five countries of the Central and Eastern Europe (Bulgaria, the Czech Republic, Hungary, Rumania, and the Slovak Republic).

298. The birth rate, health, and life expectancy at birth of the Roma women and children in the SR according to the Report, TransMONEE database, 2002:

Gross rate of birth (live births per thousand half-year old nationals):

1998	1999	2000
10.7	10.4	10.2

Total rate of birth (births per one women):

1998	1999	2000
1.38	1.33	1.28

Average age of mothers at the birth of the first child (years):

1998	1999	2000
23.3	23.6	23.9

Average age of women at which women were first married:

1998	1999	2000
22.7	23.1	23.6

Live-born children of women younger than 20 years (thousands):

1998	1999	2000
6	5.7	5.2

Number of abortions (abortions per 100 live births):

1998	1999	2000
46.3	45.5	42.8

Number of abortions of women younger than 20 years (abortions per thousand women aged 15-19 years):

<i>1998</i>	<i>1999</i>	<i>2000</i>
<i>11.6</i>	<i>10.7</i>	<i>10.7</i>

299. Further to the Recommendations of the Committee (The Report of the Committee on the Elimination of Discrimination against Women, A/53/38/Rev.1 paragraphs 95 and 96), in which the Committee suggested that the Government should pay more attention to the unemployment of the Roma women and provide the information on the support programmes we note:

Institutional provision

300. In February 1999, the Government of the Slovak Republic created the post of the Plenipotentiary of the SR Government for the solution of the problems of the Roma minority. The Plenipotentiary carries out her work on the basis of the Government approved Statute, and the Secretariat (currently the Office) is organisationally incorporated in the structure of the Government Office of the SR. In December 2003, the Government of the SR approved a new Statute of the Government Plenipotentiary for the Roma Communities, and also a new organisational structure of the Plenipotentiary's Office. To the Regional Office in Prešov new regional offices were added in Košice, Spišská Nová Ves, Rimavská Sobota and Banská Bystrica.

301. The main task of regional offices is the implementation of national strategies in the regions and localities through continuing monitoring of the needs of the Roma population afflicted with social exclusion, the provision of counselling to municipalities and institutions in proposing action to solve the problems, monitor the effectiveness of utilisation of the state resources for the projects designed to solve the problems of the Roma population.

302. Through a grant scheme, the Office of the Plenipotentiary of the SR Government for the Roma Communities provides state budget subsidies for technical amenities of the Roma settlements, for the creation of conditions to raise employment in the Roma community, for the project documentation for the construction of municipal tenancy housing of lower standard and technical amenities, with an emphasis on the municipalities involved in the PHARE projects, and the support of education and training of the Roma community. The provision of the said subsidies also affects the Roma women.

Conceptual solution

303. By Resolution No. 278/2003, in April 2003, the SR Government approved the Principal Propositions for the Government Concept in the Integration of the Roma Communities (hereinafter referred to as “Principal Propositions”), which is the baseline document of the central bodies of state administration for the development of long-term, medium-term and short-term objectives aimed at the Roma minority in the areas of education, employment, housing, health, human rights and culture.

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

Employment

305. The Principal Propositions note that the position of the Roma women in the labour market is made more difficult not only by the disadvantage on the basis of their ethnic association but also on the basis of sex.

306. On that account, the Ministry of Labour, Social Affairs and Family of the SR was assigned short-term and long-term priorities, which through temporary equalisation measures will promote equal opportunities on the labour market for the Roma. A special attention is paid to the position of women. The development of the programmes for the acquisition and maintenance of skills and retraining programmes; the creation of rules for concurrence of the income from employment and from public resources; supporting of job creation for at-risk groups on the labour market, including the Roma; the involvement of the young Roma in social activities and voluntary work; and supporting alternative employment services were identified as the main instruments to achieve the objective.

307. The activities of the Ministry of Labour, Social Affairs and Family of the SR in the areas of support for the priorities referred to above will concentrate on the use of the resources of the structural funds, primarily of the European Social Fund (ESF). Under the sectoral operational programmes and their complements, a number of measures have been defined which should contribute to a substantial solution of the situation of the Roma Communities. The Sectoral Operational Programme - Human Resources (hereinafter referred to as "SOP HR") addresses via its measures also the development of education and access to employment of the Roma population. The priorities in the field of employment are designed to create equal opportunities for the Roma on the labour market, with an emphasis on women. The objectives include: developing retraining programmes and programmes aimed at the improvement of skills, supporting of the job creation for the groups at risk; involving particularly young Roma in voluntary work and the activities of the social field work; supporting alternative employment services. Most measures of the active labour market policy, as well as the social inclusion measures and the priorities aimed at supporting education are, to a large extent, targeting the Roma population, as it comprises a sizeable section of the disadvantaged groups on the labour market and the marginalized groups outside the labour market.

308. In April 2004, by a decision of the minister of labour, social affairs and family, the Social Development Fund (SDF) was established. SDF implements from the ESF a national project – "Increasing employability of the groups affected by and at risk of social exclusion through social inclusion partnerships" under the programming document of the SOP HR. The National Project is aimed at increasing employment of the socially excluded groups through social inclusion partnerships that are created at various territorial levels (municipality, district, office of labour, social affairs and family sub-district, self-governing region) and whose objective involves the identification, preparation and implementation of programmes of preparation for employment and employing the most socially disadvantaged population, the members of the separated and segregated communities.

309. Social exclusion is addressed also in the Programme of the Support of the Community-based Social Work in Municipalities. Its purpose is to support groups and individuals permanently exposed to social exclusion and the elimination of the causes of social deprivation through permanent activity of a community-based social worker and an assistant social worker in a particular community.

310. The Ministry of Labour, Social Affairs and Family of the SR also prepared pilot projects to test out new active labour market measures whose implementation will contribute to improve employability and reduce long-term unemployment of jobseekers, including those from the Roma ethnic group. It involves the project of education and training for the labour market, "Primary school completion"; the program of the development of community-based social work in municipalities; the project supporting employment of the long-term unemployed job applicants, "Developing vocational skills through on-the-job experience".

Education

311. Under the PHARE programmes education projects were implemented targeting the Roma women the outcomes of which will be the base for future programmes for the Roma community.

312. The PHARE programme Improving the situation of the Roma in Spiš was designed to improve the education level and cultural life; awareness raising in the basic human and civil rights and obligations of the Roma population; creation of job opportunities for the Roma and the improvement of the living standard. The project's principal systemic measure was the support of the formation and running of community centres as the instruments of the implementation of development activities inside the community and the instruments of shaping the public opinion. The Spišská Nová Ves District was the target area for the section of the project focused on building and running community centres. One of the common types of activities implemented in all the communities was Small school of family – focused on the acquisition of theoretical and practical skills in house work, preparation for parenthood and housekeeping and were designed for adolescent girls and young women. The main lessons learned in the project was the understating of how vital it was to foster the relations between the mother and the child and that it was necessary to give support to mothers in learning about house work and developing their creative skills.

313. The main objective of the project called “Improving the conditions for self-assertion of the Roma in the education process” under the Phare programme “Improving the situation of the Roma in the Slovak Republic” was the effort to raise the education of the Roma in the SR. The project in its efforts to strengthen the comprehensive pre-school training process for the Roma children, in direct cooperation with trained Roma assistants and with the support of the children's mothers builds on the experience gained from previous Phare projects in the years 1998 and 1999. The rationale for Activity 4.2.1. – “Strengthening of the comprehensive pre-school system for the Roma children with the involvement of mothers in the education process, with the participation of trained Roma teacher assistants” was the positive impact of pre-school training on the children from the socially disadvantaged environment. A systematic upbringing and education of children from an early age, informal cooperation with the family, particularly with the mother, contributes in effectively raising the education level of the Roma population, which is a major prerequisite for their realisation on the labour market.

314. The theoretical basis of the project was a child-orientated pedagogic approach combined with the activity of the Roma teacher assistant as a positive role model for children. The education of the Roma mothers was a complementary part of the project that can help them in developing the Roma identity of their children.

315. The specific objective of the project was to develop a common approach to the activity of the kindergartens for children and mothers; develop concrete work plans for the these kindergartens and for working with mothers; organise lectures and practical exercises for mothers on different topics; implement the work plans for children and their mothers in 50 kindergartens in the settlements with high concentration of the Roma; train 50 teachers and 50 teacher assistants in the kindergartens involved in the project.

316. The attempts in Slovakia to date bring evidence that strengthening of the women, who are active, is a feasible pathway. Programmes which strive to use the potential of the Roma women; their influence on further generations (such as the programme for the Roma women leaders, implemented by OSF) can be cited as a positive example. At the same time account must be taken of the specific

status of the woman who is valued here primarily for being a (biologic) mother; the role of maternity must be considered in the hierarchy of the values of this minority and efforts should be made to use it productively for the benefit of improved coexistence of the majority and the minority society.

317. On the basis of the above, the objective of the seminars for the Roma mothers was to strengthen the competencies of mothers, develop their abilities, knowledge and skills thus contributing to the personal development of mothers involved in the project and create prerequisites for successful action of mothers in the kindergarten and in the community. Practical exercises for mothers were an organic part of the seminars in which they tested their abilities, acquired new skills and put the theory in practice. The participation of the Roma mothers in the seminars had effects on the overall cultivation of the personality of mothers and hence on the gradual improvement of the quality of the day-to-day life in the Roma families.

Health

318. Within their specialisation training, primary care practitioners are trained in the issues of special care of the Roma community. The Public Health Faculty of the Slovak Medical University has set up a Department of the Community Medicine the role of which is, inter alia, to prepare study events and materials from the area the Roma community health care. This faculty has also designed a programme of the health state monitoring in the regions with higher concentrations of the Roma communities so as to make the teaching programme respond to the actual health state of this population.

319. In January 2004, a meeting was held between the staff of the Office of Public Health Office of the SR and the director of the Community Centre ZOR in Kežmarok, concerning the cooperation in the area of preparation of the Roma population for the education for marriage and parenthood. Certain principles have been agreed, among others, also the assistance of the community centre in arranging for the translations of the leaflets and other education materials into the Roma language, organisation of discussions and lectures for the Roma women and girls regarding the use of contraception, sexual diseases, and the HIV/AIDS infection that would be implemented by the regional public health authorities in the region of Eastern Slovakia.

320. The Ministry of Health of the SR in cooperation with the Office of the Plenipotentiary of the SR Government for the Roma Communities formed a working group in 2004 that has identified four main priorities for the health sector within the NAP of the Decade in the health domain: conduct a study of the health and health awareness of the Roma population in the SR; improve the access of the Roma to health care and increase the information of the Roma on the care provision; improve the sexual health of the Roma and increase the average vaccination rate in the Roma population.

321. Within the Phare projects focused on the health care of the Roma population, a pilot project is prepared "Improving access of the Roma minority to health care in the SR", the purpose of which is to create 32 work positions for field workers that will operate in 20 to 25 Roma settlements distant from the medical centres in an area with poor geographic accessibility. The field workers will cooperate with the medical doctors and primary care practitioners in organising medical examinations, treatments, vaccination and organising health education for the Roma youth.

Activities of nongovernmental organisations

322. The activity of the Planned Parenthood Society (PPS), a nongovernmental, not-for-profit organisation, is focused on the solution of the issues of family planning and reproductive health, in accordance with respecting the basic reproductive rights of people. PPS is a member of the International Planned Parenthood Federation (IPPF) based in London. PPS provides specialist consultations and counselling for teachers, educators, doctors, nurses and the youth; methodological guidance, professional and promotion materials on the topics of family planning, reproductive health and the human rights in this area.

323. With the financial support of the Open Society Foundation (OSF) PPS implements a project from January 2004 “Increasing the information of the Roma minority and the marginalized groups of the population in the area of protection of sexual, and reproductive health, family planning, and the prevention of sexual risks in the Region of Gemer”. The basic objective of the project is to raise the awareness level of the members of the Roma minority and other marginalized groups in Gemer in this area.

324. Another project of the PPS dealing with the issues of reproductive health of the marginalized groups of the population is the international “Roma Project VISION 2000”. The project is designed to improve the access of marginalized groups to services of reproductive health and its main target group are the Roma women.

325. Within the Open Society Foundation programmes, a grant programme, “Women's Health” commenced from 2002, the purpose of which was to support the activities of NGOs dealing with health and social problems of women, aimed at strengthening of the responsibility for one's own health.

326. From 2001, OSF was implementing the operational and education programme “Health of the Roma”. The objective of the programme in 2003 was to develop a new, effective education programme whose priority subject is reproductive health of the Roma and the sexual education of the young Roma in the communities. The creation of a trainer team of specialists and a manual, which is to serve for the implementation of the programme in the Roma communities, was a component part of the programme.

327. From 1998 OSF has been implementing an educational, operational and grant programme “Women in the Society“. The programme is part of the Network Women’s Program of the Open Society Institute and its objective is the awareness raising of the public in the area of women’s human rights and contributing to the necessary sensitisation of the Slovak society in gender issues through awarding of grants and organisation of training seminars. Under the Travelling Grant Programme travel trips to international events, conferences, and seminars were supported of experts active in the issues of women’s human rights and dealing with gender and women’s research relating to the improvement of the status of women in the society. Among those receiving the support were also many Roma women - experts in the gender equality field.

328. The Association for culture, education and communication (ACEC), an nongovernmental organisation, focuses – within the project “The Roma for the Society,” on the community development in the Roma settlements through changing of attitudes of the Roma to the efforts to solve their own situation and deepening of the interest of the self-government and the local social environment. One partial objective is to support regular activity of five functional public education centres and, by the year 2005, opening of five new centres in the localities that have shown interest.

329. The training of the physicians' female Roma assistants is also part of the project. They assist physicians in five Roma settlements in Slovakia (Jurské, Stráne pod Tatrami, Výborná, Podhorany and Sabinov). The physician's Roma assistants disseminate public education in health, help and advise in lighter sickness and teach the young mothers the principles of hygiene and care of the newborn. ACEC has trained through the Red Cross ten Roma women that cooperate as nurses with the doctors involved in the project, accompanying them in their visits to the patients in the settlements. Over the course of 2005, coordinators and community social work assistants will be trained under the project. The training programme will also cover the hygiene and health, leisure activities for children and youth and the work with women.

330. The information has already been given in the preceding section of the text.

331. The Government of the SR, in 2001, and the National Council of the SR, in 2002, have approved the National Strategy of Sustainable Development and the Government Resolution prescribes to apply the intends, priorities and objectives in relevant sectoral policies, strategies and programs, as well as in the enacted legal regulations. The National Council of the SR requested the Government of the SR to submit every year, at 31 March, a report on the progress achieved in implementing the National Strategy of Sustainable Development by individual sectors.

332. According to the latest information on the state in the drinking water supply of the population (the Report of the State in Water Management in the Slovak Republic in 2002) at 31 December 2002, 84 % of the Slovakia's population were supplied with water from public water system, the proportion of population supplied with water from the public water system should increase to 85 % by the end of 2005. Projections by 2015 are to increase the public water supplies to 92 percent.

Part IV

Article 15. Equality before the law

333. In the period under review (1998 to 2005) the relevant legal regulations have not changed from the aspect of the application of Article 15 of the Convention, despite the numerous amendments. The relevant provisions of the regulations remain in force making provision for the legal capacity to exercise the rights and obligations and the capacity for legal acts, namely the Act No. 40/1964 Coll., the Civil Code, as later amended, the Act No. 513/1991 Coll., the Commercial Code, as later amended, the Act No. 455/1991 Coll. on trade license business (The Trade Licence Act), as later

amended, as well as the general principles enshrined in the relevant articles of Constitution of the Slovak Republic.

Article 16. Marriage and family relations

334. The implementation of Article 16 paragraph 1 letters (a) through (h), except for (g), has remained essentially unchanged in the period under review (1998 to 2005), even despite the Act No. 94/1963 Coll. on family having been superseded by a new Act No. 36/2005 Coll. on family and on the amendment of certain acts.

335. Under the SR conditions the matters of the right of spouses to choose a family name is currently provided for by the Act No. 300/1993 Coll. on the name and the surname, as later amended, and the new Act No.36/2005 Coll. on the family and on the amendment of certain acts.

336. By amendment act on the name and the surname No.198/2002 Coll. provision has been made for the use of two surnames in the official contact. Under § 5, paragraph 1, the national of the SR shall use two surnames in the official contact only where they have been acquired under previous regulations, or where they have been acquired with the consent declared at the conclusion of the marriage.

337. The new Family Act provides for the conclusion of a marriage as follows: “In concluding a marriage the betrothed couple shall agree by declaration before the official registry or before a church body whether the surname of one of them shall be their common name, whether they will retain their present surnames, or whether the surname of one of them shall be their common name and one of them shall simultaneously retain as a second surname by order his or her present surname; the betrothed partner who already has two surnames shall state, which of his/her present surnames will be given as the second one by order upon the conclusion of the marriage” (§ 6, paragraph 3).

338. It follows from the cited legal provision that it is not relevant whether it involves a male or female person, as regards the choice of the surname. We may note that the laws of the SR guarantee the same personal rights to the betrothed (men and women) including the right to choose the family name (surname). The new legal provision for the use of two surnames in the official contact, under § 6 paragraph 3 of the new Family Act, is virtually identical with the old one but the new Family Act introduces a new legislative term “the betrothed” which is deemed to mean “the man and the women who want to conclude a marriage together”. The new legal provision is not restricted to nationals of the SR only but is applicable to foreign nationals as well.

Note by the Secretariat: Annexes to the report will be made available to members of the Committee in the languages in which they were received.