

## SLOVAKIA

### CEDAW A/41/45 (1986)

149. The Committee considered the initial report of Czechoslovakia (CEDAW/C/5/Add.26 and Amend.1) at its 69<sup>th</sup> and 75<sup>th</sup> meetings, on 12 March and 17 March 1986 (CEDAW/C/SR.69 and 75).

150. In his introduction, the representative of the State Party explained that there was a long historical tradition for women's rights in Czechoslovakia, which dated to the fifteenth century. Moreover, he added, equality had been enshrined in the Constitution of the Republic in 1920 and, after the victory of the working class in 1948, more dynamic steps had been taken to fulfil the objective of the full emancipation of women.

151. The representative explained that the Czechoslovak Union of Women played a major role in securing the involvement of women in public activities, in expanding their possibilities for self-education and in allowing them more time for the education of their children. The full integration of women in the work force was one of the main prerequisites that the Government was pursuing through the creation of jobs suitable for women, by improving their living conditions and by guiding public opinion towards a proper understanding of the position of women in the family and in social life.

152. Women represented 51.4 per cent of the population, and 80.9 per cent of all women of working age were engaged in social work. This constituted 48.1 per cent of the total work force, the representative pointed out. Simultaneously, he added, conditions had been constantly improved to enable women to combine better and more easily their triple duty as mothers, employees and active citizens.

153. The representative also stated that a dense network of pre-school facilities was being built to accommodate children of working mothers. In addition, after-school child care, school clubs and canteens had also been established, together with communal services to facilitate household care. None of these services had been available 40 years earlier, the representative added. Women were pursuing active careers in highly sophisticated branches of science and research, and carrying out professional tasks in pharmaceuticals, biology, chemistry, architecture, law, international relations, medicine and other spheres.

154. In his introduction, the representative also noted that it was not uncommon for women to hold senior posts at different levels of management in industry, agriculture, scientific institutions and administrative bodies, especially in the fields that had been women's traditional domain. He added that at the present time, the number of women who held positions in management and public life was twice as high as it had been 10 years previously.

155. The representative concluded by saying that neither professional activity nor public work was pushing back the fundamental mission of women as mothers and for that reason the Government had

declared that it had to continue to create ever more favourable conditions to enable women to discharge their maternal and education mission.

156. Some experts commended the representative of Czechoslovakia on the efforts made by the State to improve the working and social conditions of women, especially in view of the fact that paternal authority had been changed to parental authority, giving both sexes the same rights and responsibilities in raising their children. One expert noted that work at home was evaluated on the same basis as work performed outside the home, and another expert asked whether that had national economic repercussions (i.e., whether salaries were paid for housework) and whether men shared fully in the performance of housework.

157. Other experts pointed out that the report succeeded in conveying how fundamental changes in the socio-political life of a country could make a difference in favour of women. Some experts mentioned that the percentage of employed women was very high and that they were in many different professional fields. One expert noted, however, that the responsibility for change was still carried by women as reproducers, since they performed the multiple duties of mothers, professionals or workers and citizens. It was asked whether the Government was taking any steps to ensure that women moved to leadership and policy-making positions, such as affirmative action or the setting of targets.

158. Still on the general nature of the report, one expert asked how and in what particular areas had the spiritual and material life of Czechoslovakia evolved beyond the objectives established by the Convention, as was stated in the initial report.

159. Another expert remarked that, as could be seen in the report, the social roles of the two sexes were still different, as well as the sexual division of labour. This indicated that traditional cultural views were still prevalent. It was asked whether, in accordance with article 5 of the Convention, educational efforts were being contemplated to correct stereotyped assumptions on gender role and the role of women in society and in the family.

160. Some experts recognized that, according to information provided in the report, many of the provisions contained in article 2 of the Convention were reflected in the State Party legislation, and other experts remarked that efforts on the part of the Government had to be continued in order to see those provisions implemented, such as equal pay for equal work, men's participation in child-rearing and housework, and training. It was asked if the Government was contemplating any specific measures to correct the still existing imbalances.

161. One expert noted that prostitution still appeared to be practiced, despite the fact that it was outlawed; other experts asked whether the fact that women still earned less than men was a factor in the persistence of that social behaviour. Another expert asked how much less a woman earned than a man and whether such discriminatory practice could be fought in court, as stated on page 5 of the report. If so, the expert asked how many cases there had been, how they had been resolved and what bodies had received the complaints.

162. It was also asked what co-operation and interaction had been developed between the Czechoslovak Union of Women and the Government to improve the status of women and their living

and working conditions.

163. Several experts requested more statistical information on the participation of women at the middle-management and directorship levels, in the trade unions, in the Government and in its enterprises. More information was also requested on demographic and health factors, such as life expectancy, maternal and child mortality rates, pre- and post-natal care centres, medical facilities offered, family planning counselling and abortion.

164. It was remarked that the Czechoslovak Union of Women was known for its international peace and solidarity activities and information was requested on the participation of women in international forums and in the foreign service.

165. Some experts asked what was the reason women were not entering technical and vocational training institutions at the same pace as men and what positive measures was the Government taking to remedy that trend. One expert asked what were the courses and fields of study being chosen by women entering institutions of higher learning. Additional information was requested on women students and maternity provisions granted to them.

166. Many experts referred to the maternity provisions and facilities presently available in the country, and asked whether women availed themselves of the three-year licence offered to raise children, whether men were able to avail themselves of the same and how many had. Another expert asked whether women were given training upon their re-entry to the work force after an extended period of maternity leave. While noting that subsidies were paid upon the birth of a child, the experts requested information on how and whether these subsidies were applied to the salary or paid in addition to the salary.

167. Another expert noted that there had been an increase in the number of jobs with a shorter working day and asked whether that was a temporary measure, why it had been required and how society as a whole had accepted the provision.

168. One expert, noting the statement contained in the initial report that there was no unemployment in the country, asked if the State could guarantee work to women and could they make a choice as to the type of work they wished to do.

169. Additional information was requested on family law, such as the choice of family residence, the rights of natural children, protection of children's rights, the rights of women upon divorce and the incidence of divorce. It was also asked what was being done regarding violence in the family.

170. A list of work forbidden to women was requested as well as information regarding legislation and criteria applied in that regard. One expert also asked in what respect work could be harmful to women and not to men. Another expert asked for clarification on the term "socially useful", which was used in the report.

171. One expert asked about the role of trade unions in the overall policy of work and employment of women in the country.

172. In replying, the representative of the State party emphasized that they did not automatically equate difference and discrimination in those areas where statistics did not show arithmetically equal proportions between men and women.

173. The representative referred to apparent contradictions in the report regarding the attained level of equality of women and men in Czechoslovakia.

174. Several mechanisms existed in Czechoslovakia to ensure that equality between men and women was exercised: through law, which unequivocally gave the conceptual foundation for this principle, through the court system, where both sexes had the same rights and duties, by appealing through higher courts if the first judgement was found discriminatory, by independent women's commissions operating in enterprises and plants, through the Czechoslovak Union of Women already mentioned, by the National Committees, which had the right to inform other competent authorities of discovered violations pertaining to the equality between women and men, and by trade unions, through their influence in examining labour norms.

175. He stated that the difference in the wages of women and men could be favourable as well as unfavourable to women. Salaries were determined on the basis of stipulated criteria with a minimum rate and a maximum limit. The criteria included practical experience, educational background and personal capabilities. Though subjective elements could play a part, ultimately the objective factors were the decisive elements in wage classification. The Government, he added, enforced the principle of equal pay for equal work and more printed information would be made available to the Committee.

176. The number of women holding executive, political and public offices was now twice as high as 10 years before. The Chairperson of the Czechoslovak Union of women was a Secretary of the Central Committee of the Communist Party. Women were fairly represented in senior posts at the medium and lower levels of management. In the trade unions, he stated, women constituted 50.1 per cent of functionaries in enterprise committees. In the Central Trade Union Council, 38.5 per cent of the membership was made up of women. As to the judicial system, women were 60 per cent of the judges. Forty to 50 per cent of the Socialist Youth Union was made up of women functionaries.

177. The care of children in kindergartens was financially covered by the State while the parents only contributed to the catering by paying 5.50 or 6.50 koruny per child a day. At this time, existing nursery facilities were not fully utilized due to years with lower birth rates. However, the existing facilities were still being used, giving women more spare and leisure time.

178. Replying to questions on maternity provisions, the representative stated that regulations applicable to pregnant women and mothers applied also to pregnant students and student mothers. Regular maternity leave and extended child-care leave was only granted to women. If a man decided to take care of the child, he could put an end to his labour contract or have unpaid leave. Maternity grants were given to single women or women who gave birth to more than one child at a time, equivalent to 90 per cent of the woman's net daily wage for 35 weeks. Maternity allowance might be paid to a man provided he took care of the child or children. A grant of 2,000 koruny was paid upon the birth of every child. The representative explained that, in order to eliminate adverse

effects of the utilization of maternity leave by women, a compensation allowance was paid to those who upon re-entry received a lower salary than before. The labour code also stipulated that the employer was under obligation to give a woman, upon re-entry, a job corresponding to her work contract.

179. Regarding work forbidden to women, the representative explained that since 1967, lists had been elaborated and subsequently updated according to the latest developments in science and technology. This measure had a positive effect in correcting the rate of accidents at work.

180. The rate of women in higher education was considerably higher than men and an increase of women professionals had been noted. While in 1960 women constituted 37.9 per cent of the total number of professionals, by 1983 they were 55.1 per cent. There were no provisions for preferential treatment of women in the educational process.

181. Equitable arrangements of family relations were promoted through mass media. The remnants of the past when men held a preferred position could still be found among older generations. However, a just division of household work, including care of children, was applied in most families. The divorce rate amounted to 35,000 cases in 1984. Property was considered commonly shared but if it needed to be divided, each spouse obtained an equal share of assets brought into the marriage.

182. Family planning education was available through organs of the public health administration. There were 66 guidance centres for women and 1,289 physicians attending them. Abortion was authorized through the recommendation of an authorized physician, a social welfare officer and deputy of the respective national committee and had to be justified by reasons of health or other reasons deserving special consideration. The application for permission was submitted through the woman's personal physician and the fee ranged from 200 to 800 koruny.

183. Replying to another question, he stated that the term "socially useful work" meant work performed by citizens who contributed to the fulfilment of the tasks and realization of the objectives of Czechoslovak society.

184. The Penal Code did not include explicit provisions on prostitution since, in 1961, when the Code had been adopted, the problem did not exist. The representative stated that, with the development of international tourism, prostitution had been brought into Czechoslovakia. Obstacles to this practice were contained in provisions of labour and tax legislation. However, the latter did not apply to foreign nationals and adequate countermeasures were very difficult to formulate.

185. The representative stated that women participated in international activities through their work in the foreign and diplomatic service. Women were being included in special study programmes at universities to gain theoretical and practical experience in international relations.

186. The representative concluded by stating that the experience acquired from the discussion would serve as useful guidance for the elaboration of the next report. Additional information more adapted to the needs of the Committee would also be furnished.

187. Several experts requested additional clarification regarding government measures to avoid work segregation and government efforts to eliminate women being stereotyped as mothers only, as well as in placing women in policy and decision-making positions; whether women were able to make a free choice in the type of work they performed and how it could be termed as favourable to a woman when she earned less than a man while carrying out the same type of work. One expert asked under what conditions was abortion authorized. Another expert pointed out that according to her experience, Czechoslovak woman enjoyed full equality with men and that facilities accorded by the Government only facilitated their performance in their dual social role as mothers and active members of society.

188. The representative of the State party replied that the four existing political parties in Czechoslovakia were continuing to examine measures to improve the ratio of women in top-level positions. More progressive norms had to be developed in order to facilitate women's role in society. In this sense, the representative stated that the social philosophy of his country transcended and went beyond the aims of the Convention.

189. No statistical data was available on women working in international organizations and international affairs but, as stated previously, measures were already taken to increase the participation of women in this area. As regards salary levels, he explained that they depended solely on individual qualifications and the job evaluation, and that if a woman was more qualified than a man, she earned more.

190. Finally, abortion was allowed, he explained, with the human interest and human concern in mind, according to the very individual situation of the woman in question. He assured the Committee that more information would be provided in the next report.

## **CEDAW A/47/38 (1992)**

219. The Committee considered the second periodic report of Czechoslovakia (CEDAW/C/13/Add.25) at its 199<sup>th</sup> meeting, on 27 January 1992. The report contained detailed answers to the questions put by the Committee on the initial report, which was useful. But the report did not clearly reflect the changes that had occurred under specific headings and articles. To that extent it did not comply with the guidelines of the Committee.

220. According to the report, it was uncertain how the new constitutional changes would affect the status of women in areas such as work, family responsibility etc. Women currently had a lower level of political participation than previously.

221. There were reports that the system of funding child care had changed, and that might mean fewer places and higher costs.

222. Women's earnings remained much lower than those of men, and the workforce continued to be segregated, so that there were few women in technical vocations. Studies on time use showed that women continued to bear the greatest burden of domestic work.

223. There had been changes in the abortion law, but it was uncertain whether adequate provision had been made for access to information and services on contraception.

224. In her introductory statement, the Government representative stated that since the submission of the report currently before the Committee, in July 1989, revolutionary political and social changes had taken place in her country. A pluralistic democracy, based on the freedom of each individual and the realistic implementation of his or her rights, had replaced the old régime after its collapse in November 1989. Free elections had been held in June 1990 and the economy was being transformed into a free-market economy. She would therefore present the Committee with the assessment of her Government concerning the second periodic report and describe developments that had taken place since the November 1989 revolution. Also, she would inform the Committee of the policy of the Government regarding the solution of problems of equal rights for women.

225. She stated that the report before the Committee did not reflect the current situation in her country, but was based on the concept of centrally directed management in all spheres of society, including the issue of equal rights for women. That concept had led to optimistic programmes, such as the full employment of women. For ideological reasons, however, in practice women's problems had not been dealt with systematically by the old régime, except in certain areas, such as the right to work, social security and quotas on women's participation in political life. She stated that that had also led to the detrimentally excessive feminization of some fields, such as education. She went on to say that the data that had been provided in the report did not reflect the optimistic spirit of the text, and a more complex and objective view of the situation of women in Czechoslovakia would be presented to the Committee in the third periodic report, to be submitted by the end of the year.

226. The representative said that the new developments that had taken place in 1990 and 1991 had occurred with regard to equal human rights for all citizens; to equality oriented legislation,

abandoning a paternalistic approach to women and families; to the social and economic spheres; and to institutional guarantees. The Federal Ministry of Control had been entrusted with initiating, conceptualizing and coordinating a new approach for dealing with problems concerning the equal status of women. The Convention on the Elimination of All Forms of Discrimination against Women and the Nairobi Forward-looking Strategies, both of which were little known by government officials or the public, would form cornerstones in that regard. Another element was the understanding of the new Government and non-governmental organizations that the true equality of women must go hand-in-hand with the creation of political, social, health, cultural, educational and ecological conditions for comprehensive social development. She added that it was generally accepted by her Government that the social shocks of transition were affecting women much more than men.

227. She went on to state that the transformation of the economy and patterns of social behaviour were giving rise to social uncertainties and to a temporary real decline in the standard of living, leading to expected or existing crisis situations. The permanent attention of governmental and representative bodies would be required to integrate questions of women's equality into that complicated situation.

228. In order to address those issues, the Government had adopted in February 1991 a document entitled "Principles of the policy of the Government of the Czech and Slovak Federal Republic in the sphere of implementation of the rights of women" (resolution No. 120/91). That resolution contained the basic principles which constituted the right framework for facing the needs of women in her country. The principles had been drawn from the experience of other countries, from the work of the Commission on the Status of Women, from international events, as well as from the constitutional law on the International Bill of Human Rights <sup>3/</sup> and the Convention on the Rights of the Child, <sup>4/</sup> which had been ratified by her Government. The adoption of those principles had been preceded by a broad discussion and several ministries and institutions had participated, both at the level of the Federation and of the two Republics. Initiatives by women's organizations set up after the dissolution of the former "Czechoslovak Union of Women" had also been taken into account. The principles defined the policy of the governments of the Federation and of the two Republics on legislation, on the socio-economic field, on safety at work, on health insurance, on the participation of women in the management of society, on education (including research work) and with regard to institutions. The representative said that the principles did not embody, in a concrete form, necessary national (republic) mechanisms, as recommended by the Commission on the Status of Women. She explained that the principles were to be translated into concrete measures in 1992 and 1993 on the basis of a document already submitted for debate by the Government. That document addressed the issue of competence at the federal and republic levels. It dealt with activities in conjunction with the International Year of the Family, and with a preparatory meeting, which her Government was interested in hosting, for the Fourth World Conference on Women: Action for Equality, Development and Peace.

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<sup>3/</sup> General Assembly resolution 217 A(III).

<sup>4/</sup> General Assembly resolution 44/25, annex.

She stated that the complex of measures remained however an open question that would be widely



discussed with political parties and non-governmental organizations and would be updated accordingly. She said that matters of equal status of men and women were expected to be reflected in the upcoming pre-election period and the election in June 1992, in particular since women's representation in political bodies was extremely low.

229. The representative then proceeded to provide answers to the questions raised by the Committee.

#### Articles 1-4

230. The Committee noted that the new Constitution was said to guarantee equality and to provide equal access to the courts. It requested information on whether there were specific anti-discrimination laws under which women could have recourse to courts in case of alleged violation of rights, to complain of discrimination;

231. What remedies and enforcement mechanisms were available, and what kind of decisions had been made? The question was asked how the constitutional changes of the previous two years had affected women in politics and in other areas, such as work and family responsibility.

232. The representative informed the Committee that no specific anti-discrimination laws had been introduced in the legal system, nor did the draft of the new Constitution contain such a law. She said that no discriminatory laws existed in the legal system, but that did not mean there was no discrimination de facto. She pointed to two major constitutional changes, the first being the abolition of the leading role of the Communist Party of Czechoslovakia, which implied the loss of power of affiliated organizations, such as the Czechoslovak Union of Women. Since no new women's organizations had been formed prior to the 1989 election, there was no organizational support for women. The second major constitutional change was the adoption of the Charter of Basic Human Rights and Freedoms as an integral part of the Constitution, which guaranteed women an equal position in society.

233. The representative stated that up to September 1990 activities regarding women's rights had been coordinated by the Ministry of Labour and Social Affairs. That was now entrusted to the Deputy Prime Minister. Co-responsibility was assigned to the Minister of Control for working out the policy of the Government in the field of implementation of women's rights, and for the preparation of concrete measures. The Minister, a woman, was the co-ordinator of all future aims relating to State policy towards women.

234. The representative said that resolution No. 120/91 on the "Principles of the policy of the Government of the Czech and Slovak Federal Republic in the sphere of implementation of the rights of women", referred to above, implied that a federal committee responsible for the issue of women and families was not going to be established for the time being. She gave as the reason that at the federal level there was competence only in the field of human rights. However, the establishment of such an institution was under consideration. She said that no concrete responsibility had so far been set up in the Czech Republic, but that the Slovak Republic had set up a Governmental Committee on the Woman and the Child. Its activities were only just beginning, so no details were available. It functioned as a coordinating body of the Government and of non-governmental

organizations on the basis of honorary membership. The establishment of relevant commissions was under way in the Federal Assembly, the Slovak Republic and the Czech Republic. The representative then referred to a list of tasks within the competence of federal bodies. Since the report before the Committee had been prepared by the old régime, no information on procedures and participation concerning its preparation were available. The representative informed the Committee that 14 women's organizations were registered in Czechoslovakia with varying membership.

235. It was asked to what extent had women been involved in drafting the new Constitution. And which organizations were active in supporting the new Constitution.

236. The representative said that women members of Parliament were participating in that drafting. The coordination of women's questions in that process would be the responsibility of the Deputy Prime Minister and the Minister of Control.

237. Information was requested on the roles of the Federal Ministry of Labour and Social Affairs and of the Government Committee on Women in implementing the Convention; and what their sizes and budget were.

238. The Committee wanted to know which organization was responsible for preparing the current report, and for disseminating information on the Convention and the work of CEDAW.

239. The representative was asked what the effects of the work of the Governmental Committee on Women had been in improving the situation of women; what national machinery for the advancement of women had been established as a result of constitutional change; and what governmental departments or agencies were responsible for implementing programmes related to the status of women and equality of women.

240. She was asked whether reference had been made to the recommendations of the Committee in preparing the report; and which women's organizations had been consulted in that regard. Also, asked was how many organizations there were and what their membership was.

#### Article 5

241. The Committee asked what the new family policy was; what measures there were to combat stereotyped images and stereotyped roles of men and women; what measures were being taken to ensure that fathers took part in child rearing, and that domestic work was shared on an equal basis; and which agency was responsible for taking those measures.

242. The representative first referred to the above-mentioned Principles. As to whether the new family policy encouraged women to return to traditional family roles, she stated that it was supposed to have exactly the opposite effect, but that the market economy system might have such an influence because of unemployment. Statistics showed that more than 50 per cent of the unemployed were women. She said that the number of single-income households in the traditional pattern would grow. Currently, that might be the image of success and so might become fashionable. No data referring to the matter were available. She stated that both sexes received the same education, but since the "imperative role" of the State regarding education was gone, "girls

schools” or “family schools” were emerging. They seemed to be a success and, according to the representative, proved that 40 years of egalitarian education had not changed fully the stereotyped images of men and women. Parental leave and allowance were accorded under the same rules to both parents, but it seemed that specific education was needed in order that fathers also would be willing to use parental leave.

#### Violence against women (articles 2, 5, 11, 12 and 16)

243. Violence against women was not identified as an issue needing special attention. It was treated as an offence under the general criminal law.

244. In answer to whether it was planned to introduce special laws and protective measures for women, the representative stated that unfortunately it was not.

#### Articles 7 and 8

245. The Committee noted that the number of women in Parliament and in the ministries appeared to have been reduced from 10 per cent in 1987 to 6 per cent in 1990, and that there were no women in ministerial positions. It asked what measures were being taken to encourage greater participation e.g. temporary special measures.

246. The representative answered that there were approximately 10 per cent women members in the three parliaments, and that the speaker of the Czech Parliament was a woman. Each of the three Governments had one woman minister. She said that it was currently not possible to use temporary special measures, as they had been used by the previous régime and were thus currently very unpopular.

247. In answer to queries on women’s organizations, she mentioned the Zonta Organization and the Organization of Women Entrepreneurs, and said that the old Czechoslovak Union of Women was being restructured. Currently, 14 women’s organizations were registered. No details on their work were so far available.

248. Information on women’s activities in political parties, trade unions and other political organizations would be provided in the third periodic report. She added that currently there were 6 women ambassadors out of a total of 65 (9.2 per cent). They served in such important posts as Australia, Austria and the United States of America. The diplomatic corps had 19 women members out of 400 (about 5 per cent). Women in the three parliaments accounted for between 8 and 12 per cent, and women heads of departments accounted for between 10 and 60 per cent. In the Ministry of Foreign Affairs, for example, five directors of departments were women (16.7 per cent). In the Czech Ministry of Privatization, 60 per cent of the leading positions were held by women.

#### Article 10

249. The Committee noted that the initial report mentioned the high proportion of women in higher education and in the professions. It also referred to special provisions for working women and mothers to study. While women had access to higher education and to the professions, few women

underwent vocational training in the technical areas. It was asked whether there were measures to change that and to ensure that women had full and equal opportunity in all fields of employment.

250. The representative explained that the old Communist régime had sent men into the production process as soon as possible, which left a higher percentage of women in higher education. That phenomenon was now disappearing. Reasons for the low numbers of women in technical areas included hard physical labour and the past under-estimation of intellectual work and higher salaries in technical fields that attracted men and made areas such as education (where feminization is 71.3 per cent), medicine, justice, science and state departments less attractive to men. Those areas were more flexible than the production sphere and thereby more attractive to women.

251. On other questions, she referred to the traditional division of family responsibilities. In some 90 per cent of all couples, the wife took maternity leave. Most women did not return to their previous posts because they could not assume the dual responsibility of full-time parenting and full-time employment. Under the socialist system, cheap and universally accessible child care had existed, but it was of low quality. The new market economy seemed to have improved the quality, but it was becoming financially inaccessible for many. As the number of single-income families was likely to increase, most likely the income would be the husband's. The general population welcomed that new development, and women saw it as the "freedom to choose", since that way of life had been inaccessible in the past. On another question the representative replied that although de jure an equal right to education existed, the gypsies received a much lower level of education. Efforts were under way to remedy that. Efforts were also under way to integrate disabled students into regular classes.

#### Article 11

252. It was said in the initial report that women's wages were lower (69 per cent of men's) because they performed less skilled work. It was also recognized that women's special skills, e.g. dexterity, were not always reflected in pay, and that men's greater mobility enabled them to earn more in construction. Information was requested on what was being done to implement the Committee's recommendation on equal pay and job evaluation and on the current rate of unemployment for women: whether it was disproportionate to men's unemployment and whether any particular age groups were especially affected.

253. Other questions raised were whether many women were discouraged from entering the employment market, because of lack of skills training and child care; what plans there were to end segregation in the labour market, and to eliminate distinctions, which precluded women from certain sectors; and what the current position was on funding nurseries for working parents. It was asked whether all women who needed to do so could have access to such nurseries.

254. The second periodic report had identified lack of leisure for women as a problem. It was asked what further action was planned to overcome that.

255. The representative answered that no concrete measures had been adopted. Legislative measures guaranteed the right to equal wages, but problems arose in its implementation. Of the total number of unemployed, from 55 to 65 per cent were women, with the highest proportion in Prague.

Unemployment affected mainly graduates, and tax measures sought to stimulate their employment. More than 80 per cent of the women in their productive years were employed. The transition to a market economy was changing that percentage. An evaluation of measures taken in that regard would be presented in the third periodic report. Remuneration was based on a wage scale which was unfavourable to women. The criteria that defined the exacting character of the labour and established that hard physical labour was better paid held true in State enterprises. No data on private enterprises were available. Parental leave had been extended to fathers in 1987, but fathers using it were still the exception as society considered it unusual, strange and even humiliating for men. A new law was currently in effect concerning maternity allowance, establishing that both parents were entitled to it for the first three years of the child's life. Currently, the allowance amounted to 900 koruny per month. That was in line with the new family policy, but the social climate needed to be changed in order to provide both partners with the same opportunities to choose. Many nurseries had to close down, and the situation was in flux. Data might become available later in the year.

256. The report stated that International Labour Organization (ILO) Convention 89 on night-work and other provisions prohibiting certain work for women were to be reviewed in 1988.

257. Several questions on this issue were answered by the representative. The Government was ready to submit ILO Convention No. 89 to Parliament for ratification. The new Labour Code, which should be in force by 1 January 1993, should satisfy the provisions of that Convention. Nothing had changed with regard to social benefits. Women were treated as individuals with certain exceptions (soldiers' wives could benefit from a special allowance). Unemployed women were treated in the same way as men. Concerning the informal sector, she stated that it had not existed in the socialist economy, except for the black market. Services provided by women had included cleaning, baby-sitting, sewing, gardening and the selling of products. The private sector had appeared only two years ago. It was currently very difficult even to classify the informal sector.

## Article 12

258. The representative was asked how unemployed women would be affected by changes in the funding of health care, of which employers were to bear a portion of the cost. It was stated that cases of AIDS had been reported and she was asked what preventive and educational measures were being taken that were directed to women.

259. She stated that the participation of clients in costs of health-care services was not being considered for the next year. Complete coverage was still provided by the State. More details would be provided in the third periodic report. Information on AIDS should be provided in schools. An AIDS prevention information campaign had also recently been started by the Ministry of Health Care. No measures specifically addressed to women had been taken. As of November 1991, there had been 25 cases of AIDS, and 128 cases of HIV-positive, among them 9 women. The national family policy referred basically to parental leave and allowances, tax policy and social security measures. More information would be presented in the third periodic report. Contraceptive means had become more accessible in terms of availability, not in terms of affordability. The fertility rate had been stable for the last five years.

260. The report mentioned a national family policy. Information was requested on that. Also, there had been moves to alter the abortion laws and to reduce the high number of abortions. The Committee asked whether adequate provisions had been made for sex education and family planning and contraception to offset the greater difficulty and cost of abortion, and whether those measures had any effect on the fertility rate.

#### Article 16

261. In the initial report it was said that the property of husband and wife was shared equally on divorce, and that women's domestic contribution was given equal value. Examples of illustrative court decisions were requested. It was asked if there were any studies to evaluate the value of women's unpaid domestic work.

262. The representative stated that upon divorce, the allowance to be paid by the parent who did not take the children consisted of two parts, namely for the upkeep and education of the children, and for the care itself. Property acquired during marriage was divided equally upon divorce. No studies had been conducted to evaluate the value of unpaid domestic work.

263. Members of the Committee congratulated the representative on the candid comments and thanked her for the clear and informative answers and remarks provided. They wished her success in her future endeavors.

264. Members then asked a number of additional questions. One member asked how the Government assessed the major qualitative changes of recent years, and whether they had helped women. She enquired about the tendency of divorce rates and suggested that the Government should assess the role of women's organizations in the changing society. Many members referred to the lack of a national machinery for women. It was said that such machinery was very much needed, one reason being to avoid the danger of a backlash concerning women's role and status, which, it was feared, was emerging in areas such as part-time work or with women staying at home, and the dangers that might stem from the new family policy. It was said that national machinery for women, not for women and the family, was absolutely necessary, and the representative was wholeheartedly advised that there was a need for such machinery. One expert suggested that the women's movement could be the basis for such machinery and that it should have channels to reach the authorities and those in power, so as to have proper influence on the decision-making process. It was also noted that women seemed to be seen as part of the family, which was considered to be a basic conceptual problem. Women were beings in their own right, it was said, and the family was only one part of their being. A choice had to be made whether to see men and women as individuals or as members of families. That choice had repercussions on tax, employment and social security policies. One expert said her country had the chance to start afresh. She suggested introducing equality officers in unemployment agencies to break through tradition and to overcome stereotyped thinking. It was further pointed out that without the establishment of quotas or numerical goals it was very difficult for women to obtain their fair share. One expert noticed a passive attitude on the part of women and the authorities in dealing with issues. She referred to the existence of 14 women's organizations and to the lack of clarity regarding their programmes, as well as to the absence of a definition of discrimination in the law.

265. With women's professional future in danger due to the changing economy, one expert wondered why they were not getting organized. It was also asked what kind of collaborative retraining efforts were under way for women who were losing their jobs in the transitional economy. The question was raised whether women were aware and able to take advantage of the emerging market economy: whether they could become businesswomen and if there was enough government support; and whether they were ready to take the initiative in the small and medium-sized enterprise sector. Concern was expressed on the closing of nurseries and the impact that had had on working women, in particular also regarding young women and their career possibilities. Clarification was sought on the informal sector. It was conceded that it was not easy to deal with a situation of transition. The fact had to be faced that transition affected women in particular. The representative was asked how the Government planned to assist women in that difficult situation.

266. Some members asked whether there had been an increase in prostitution. Members requested clarification on the legality of abortion. The question was also raised as to who prescribed contraceptives, whether they were free and how women obtained access to contraceptive means. Several experts reminded the representative of their concern on the issue of violence against women. It was asked whether forced sterilization of gypsies occurred. Clarification was sought on the role and functions of the Ministry of Control.

267. The representative stated that women in her country did not know what problems they were facing. There was no pressure from society to take certain steps. Problems were many and manifold. She thanked the members for their comments.

#### **CEDAW A/53/38/Rev.1 (1998)**

59. The Committee considered the initial report of Slovakia (CEDAW/C/SVK/1 and CEDAW/C/SVK/1/Add.1) at its 385<sup>th</sup>, 386<sup>th</sup> and 389<sup>th</sup> meetings, on 23 and 30 June 1998 (see

CEDAW/C/SR.385, 386 and 389).

### **Introduction by the State party**

60. In introducing the report, the representative emphasized human rights and their importance for all individual members of society and their quality of life. She informed the Committee that one of the essential tasks of the State was to ensure the fundamental rights and freedoms of all citizens through, *inter alia*, the adherence to international treaties and the realization of the rights espoused in those instruments at the national level.

61. The representative informed the Committee that Slovakia had adopted essential guarantees of democracy, human rights and civil liberties, as well as the international agreements to which Czechoslovakia had been party. At its independence in January 1993, Slovakia succeeded to various United Nations human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women.

62. The representative informed the Committee that Slovakia had been actively involved in international activities relating to women's rights and equal rights for women and men. It had participated in the major United Nations world conferences, including the Fourth World Conference on Women, and had organized a world conference to evaluate the International Year of the Family in 1995.

63. Slovakia has been actively implementing the Beijing Platform for Action, including through the establishment, in March 1996, of the Coordination Committee for the Problems of Women, consisting, *inter alia*, of representatives of the Slovak Republic National Council, various ministries, non-governmental organizations, trade unions, churches and experts. In 1997, the Coordination Committee for the Problems of Women elaborated the National Action Plan for Women in Slovakia, which was then approved by the Government and submitted to the secretariat of the Commission on the Status of Women. The representative also informed the Committee that Slovakia had been elected to the commission on the Status of Women through 1999 and that its representative was currently a vice-chairperson of the Commission.

64. Based on the results of demographic and sociological research, the representative informed the Committee that matrimony and parenthood were important values in Slovak society. She indicated that, owing to their greater responsibilities, women considered their status to be less advantageous than that of men's, but that they did not perceive themselves to belong to the "weaker sex". Women derived their status and identity from their societal roles, including maternity.

65. The representative noted that equality was guaranteed in the social security system, including with respect to pensions, health insurance, State-provided social benefits and social care. The prohibition of discrimination on the basis of sex and the principle of equality were explicitly expressed in the Labour Code and women workers were protected from termination of employment as a result of pregnancy or when involved in the continuous care of a child up to three years of age. Slovakia had a high employment rate for women, and the labour law was above the standard of many other advanced countries. However, women experienced inequality in employment, including with regard to reduced hiring opportunities and unequal pay for work of equal value. Notably, new



legislation, such as the amended Labour Code, the Civil Act and the State Service Act, which are currently under preparation, emphasized pay equality.

66. The representative indicated that domestic violence was a growing focus of attention, although it was likely to be hidden from public attention. Crime prevention measures played a major role in combating all forms of violence against women and a special council to act as an advisory body to the Government on this issue had been established. The council had reviewed crime prevention proposals prepared by the Ministry of Interior and other departments and regional offices, and was expected to encourage cooperation between governmental and non-governmental organizations. Also, institutional frameworks for crime prevention were broadened in 1997 through an increase in the number of police specializing in juvenile crime. Positions for crime prevention specialists were also established at all district and regional directorates of the Slovak constabulary.

67. In concluding her presentation, the representative emphasized that Slovakia had taken the preparation of its initial report to the Committee very seriously and stressed that Slovakia considered the thorough implementation of human rights treaties to be an essential condition for a modern democratic society and the rule of the law.

## **Concluding comments of the Committee**

### **Introduction**

68. The Committee welcomes the submission of the initial report of Slovakia. It also expresses its appreciation to the delegation for the comprehensive nature of the report, especially the addendum, and for the provision of extensive information in response to the Committee's questions on such short notice. The Committee welcomes the identification of the numerous legal provisions relevant to women's advancement in the report.

69. The Committee welcomes the high-level delegation, including the State Secretary of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

### **Positive aspects**

70. The Committee is pleased to note that, according to the legal system of Slovakia, international treaties, including the Convention, have been promulgated in Parliament and take precedence over domestic legislation.

71. The Committee welcomes the establishment of the Coordination Committee for the Problems of Women and the Gender Centre. The Committee expresses its satisfaction that the national machinery provides a strong framework for the promotion of gender equality and the advancement of women, essential in minimizing the structural adjustment experienced during the transition. The Committee is pleased to note that Slovakia has submitted a national plan of action in compliance with the Beijing Platform for Action.

72. The Committee expresses its satisfaction with the general standard of women's health and education in Slovakia.

## **Factors and difficulties affecting the implementation of the Convention**

73. The Committee notes that Slovakia is undergoing a difficult transition from a centrally controlled economy to a democracy and a social market-oriented economy, albeit with consideration for social factors. The Committee observes that, in the absence of gender-sensitive policies and measures to counteract negative effects, these changes can have a negative effect on women's enjoyment of their human rights and impede the implementation of the Convention.

74. The Committee expresses its concern at the overemphasis on legislative protection of and cultural promotion of motherhood and family roles for women, rather than on women as individuals in their own right. The traditional, stereotyped view of women as mothers is thereby reinforced and negates the participation of fathers in child care. That perception reflects a misunderstanding of such critical concepts as gender roles, indirect discrimination and de facto inequality.

## **Principal subjects of concern and the Committee's recommendations**

75. The Committee is concerned that the definitions of affirmative action and temporary special measures as outlined in the Convention have been misunderstood and misinterpreted by the Government to be protective measures. While legislation and institutional structures are essential to the advancement of women's status, they are not sufficient to address the ongoing preference for men in employment and politics. While the Committee recognizes that the establishment of quotas and other temporary special measures to promote women are often controversial, they have been shown to address effectively structural discrimination against women in politics and employment and to accelerate de facto equality of women.

76. The Committee recommends that the Government reconsider its position on temporary special measures and take note of the information and practice developed internationally in structural discrimination. Such discrimination can be eliminated through temporary special measures. The Committee therefore recommends the provision of such measures, combined with numerical goals of a minimum of 30 per cent presence of women, as well as timetables to ensure women's increased presence in political parties, as well as in all sectors, segments and at all levels of employment.

77. The Committee is unclear as to whether the Coordinating Committee for the Problems of Women is provided with adequate resources, personnel and authority.

78. The Committee requests in the next report detailed information on the status and function of the Coordinating Committee for the problems of Women, its programmes and their impact, with a special focus on the use of temporary measures and their effect. The Committee also recommends that the Government secure sufficient funds to enable the Coordinating Committee for the Problems of Women to guarantee the full implementation of the national plan of action. The Committee further recommends that the Government reconsider the name of the Coordinating Committee for the Problems of Women in order to reflect the view that "women's problems" as they are currently understood in Slovakia are in fact challenges faced by society and require a change to the current theoretical framework of dealing with them.

79. The Committee expresses alarm at the high rates of domestic violence against women, including

murder in the home. The Committee is also concerned that charges cannot be brought against an abuser by the police independent of the victim and that securing a conviction often requires the corroboration of independent witnesses. Furthermore, there are no emergency or protective shelters available to victims of domestic violence.

80. The Committee recommends that the Government of Slovakia implement procedures designed to permit prosecution of violence against women independent of victim testimony and omitting the requirement that the complainant's evidence be corroborated; establish crisis centre hotlines and victim support centres equipped with medical, psychological and emotional support; and, in order to raise public awareness, disseminate information through the media, on this issue.

81. The Committee is concerned that information has not been provided or compiled on the actual situation regarding trafficking in women. The Committee notes that trafficking is an international crime and therefore not only concerns women trafficked out of Slovakia, but also those being trafficked into Slovakia from neighboring countries.

82. The Committee requests that Slovakia pay particular attention to safeguarding the human rights of women and take all necessary measures to monitor and eradicate trafficking in women in Slovakia, including the sensitization of police, border officials and non-governmental organizations working in that area. The Committee encourages Slovakia to continue its cooperative efforts with border States to eliminate trafficking across national borders. The Committee also requests the Government to provide, in the next report, detailed information on the number of women who have been trafficked into Slovakia and those returned to their country of origin, as well as statistics on the number of individuals arrested, prosecuted and sentenced as a result of their involvement in trafficking.

83. The Committee notes with concern the limited involvement of non-governmental organizations in the preparation of the initial report.

84. The Committee recommends that the Government encourage the participation of women's non-governmental organizations in the drafting of national policy and in following up its implementation. The Committee also recommends that the Government take note of the importance of non-governmental organizations in increasing public awareness and countering traditional stereotypes of women.

85. The Committee expresses concern regarding the establishment of and increase in "household management schools", which cater to female students and train them for traditional roles, thus promoting gender stereotyping.

86. Stressing the importance of encouraging girls and boys to choose non-traditional fields of study in order to promote equal opportunity, the Committee requests further information, in the next report, on the purpose and composition of these schools as well as how the curricula differ from those in other schools.

87. The Committee is concerned with the highly segregated labour market which is accompanied by low pay for women. The segregation of women and men into different employment sectors is

not a valid justification for unequal pay between women and men. The Committee is concerned that job descriptions that link “physically demanding” elements to male physical strength and to higher pay for men may be based on a one-sided understanding of those elements. These descriptions may underestimate other physically demanding elements found in women’s work, there by discriminating against women in terms of pay.

88. The Committee requests the Government to avail itself of the existing body of research and practice on equal pay for work of equal and comparable value in order to overcome pay inequity. The Committee also recommends that the Government use temporary special measures to break through the sex segregation of the labour market.

89. The Committee is concerned that the Government did not answer the Committee’s question as to why women in Slovakia are faced with the dilemma of choosing between work and raising a family. Although social services are available for children aged two years and above, there are no social services available for women with children under the age of two years. Furthermore, the decreased in pre-school childcare is particularly detrimental to women’s equal opportunity in the employment market since, owing to lack of childcare, they have to interrupt their employment career, which again has negative effects on their employment status, pay and promotion.

90. The Committee recommends that the Government of Slovakia provide options to women who have children and choose to work, including establishment of and access to public day-care facilities. The Committee further recommends the funding and support of pre-school childcare centres at both the local and national levels to ensure women the opportunity to work.

91. The Committee expresses deep concern at the high rate of abortions among Slovak women. The Committee is concerned that abortion is being used as a form of family planning.

92. The Committee strongly recommends an increase in family planning education and accessibility to affordable and safe contraception in order to reduce the number of abortions carried out.

93. The Committee is concerned about the absence of development programmes for rural women to assist them in obtaining the skills and resources necessary to become competitive in the labour market.

94. The Committee recommends that the Government provide information on the measures undertaken to empower rural women and to encourage economic self-sufficiency.

95. The Committee is concerned that inadequate information was provided to the Committee on minority women in Slovakia.

96. The Committee recommends that the Government of Slovakia collect and make available statistical information pertaining to the social, economic and political status of minority women, with a view to developing specific policies to respond to the needs of different groups. The Committee also urges the Government to address the high rate of unemployment among Roma women and to provide further information on assistance programmes in the next report.

97. The Committee expresses regret that the report did not comply fully with its guidelines on the form and content of initial reports and that its general recommendations were not taken into account in the report.

98. The Committee requests that the next report follow the guidelines provided by the Committee in order to improve the presentation of information. It also recommends the serious consideration of the Committee's general recommendations during the creation of legislative measures and when drafting the next report.

99. The Committee requests the wide dissemination in Slovakia of the present concluding comments in order to make the people of Slovakia, and particularly government administrators and politicians aware of the steps that have been taken to ensure de facto equality for women and the further steps required in that regard. The Committee also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.