

CEDAW, A/63/38 (2008)

Part two

Report of the Committee on the Elimination of Discrimination against Women on its forty-first session

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Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

13. At its forty-first session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined second, third and fourth periodic report of one State party; the combined third and fourth periodic report of one State party; the combined fourth, fifth and sixth periodic report of one State party, the fifth and sixth periodic reports of three State parties; and the sixth periodic reports of two State parties.

14. The Committee prepared concluding observations on each of the States parties' reports considered. The Committee's concluding observations are set out below.

B. Consideration of reports of States parties

1. Combined second, third and fourth periodic report

Slovakia

15. The Committee considered the combined second, third and fourth periodic report of Slovakia (CEDAW/C/SVK/4) at its 847th and 848th meetings, on 14 July 2008 (see CEDAW/C/SR.847 and 848). The Committee's list of issues and questions is contained in document CEDAW/C/SVK/Q/4 and the responses of the Government of Slovakia are contained in document CEDAW/C/SVK/Q/4/Add.1.

Introduction

16. The Committee commends the State party for the submission of its combined second, third and fourth periodic report, which followed the Committee's guidelines for the preparation of periodic reports, while regretting that it was submitted with a 10-year delay. The Committee also commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

17. The Committee commends the State party for its delegation, which was headed by the State Secretary of the Ministry of Foreign Affairs and included representatives of different government ministries and departments. The Committee expresses

its appreciation for the open constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

18. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention in November 2000, and encourages speedy acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, as announced by the delegation during the constructive dialogue.

19. The Committee welcomes the adoption of legal measures by the State party to eliminate discrimination against women, including:

(a) The enactment, in 2004, of the Anti-Discrimination Act on Equal Treatment in Certain Areas and Protection against Discrimination, as well as its subsequent amendments;

(b) The amendments to the Penal Code, the Code of Criminal Procedure and other legislation, between 1999 and 2002, which criminalize violence against women, in particular domestic violence, and introduce restraining orders for perpetrators of violent acts;

(c) The provisions of the Labour Code, and its 2003 amendment, which facilitate reconciliation of family and work responsibilities between women and men.

20. The Committee welcomes the establishment in January 2008 of the Council of Government for Gender Equality, which is an advisory, coordination and expert body of the Government for the implementation of the principle of equality between women and men. The Committee also welcomes the adoption of the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families, in 2004, and the National Action Plan for Combating Trafficking in Persons, in 2006. It notes with appreciation the inclusion of the gender dimension in other strategic plans, including the National Action Plan for Combating Poverty and Social Exclusion, and the National Action Plan of Employment.

Principal areas of concern and recommendations

21. The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament and to the judiciary, so as to ensure their full implementation.

Limited scope of anti-discriminatory legislation

22. While noting the measures taken by the State party to achieve equality between women and men, the Committee is concerned at the limited scope of the existing legislation to eliminate discrimination on various grounds, including sex, which merely aims at equal treatment of individuals and does not fully reflect the principle of substantive equality embodied in the Convention.

23. The Committee requests the State party to base its efforts to achieve gender equality and the advancement of women on the comprehensive scope of the Convention. It encourages the State party to reflect the provisions of the Convention in all relevant legislation and in all Government plans and policies, across all sectors and levels.

Awareness-raising and training

24. While welcoming the adoption of a new Constitutional Act No. 90/2001 Coll. which provides that international human rights instruments ratified by the State party can be directly invoked in national courts, the Committee is concerned at the limited awareness, including among legal professionals, of the provisions of the Convention and the procedures available under its Optional Protocol. The Committee is also concerned that, although women's access to justice is provided for by law, women's ability in practice to exercise this right and to bring cases of discrimination before the courts is hampered by factors such as limited information on their rights, lack of assistance in pursuing these rights, legal costs and an apparent tendency of the State party to encourage women to opt for mediation rather than legal action.

25. The Committee recommends that educational programmes on the Convention, the Optional Protocol and women's rights be introduced, in particular for all legal professionals, including judges, lawyers, prosecutors and law enforcement personnel, as well as the public at large. The Committee requests the State party to remove impediments women may face in gaining access to justice. It urges the State party to take special measures, including legal literacy, to enhance women's awareness of their rights so that they may be able to exercise them, as well as to encourage them to opt for legal action rather than mediation whenever it is justified.

Temporary special measures

26. While welcoming the statement of the delegation that there is no legal impediment to the implementation of temporary special measures in Slovakia, the Committee is concerned at the lack of understanding of the scope and purposes of article 4, paragraph 1, of the Convention, which should be the basis for the adoption of such measures.

27. The Committee recommends that the State party use temporary special measures, in accordance with article 4,

paragraph 1, of the Convention and its general recommendation No. 25, as part of a necessary strategy towards the accelerated achievement of substantive equality for women, in all fields where it may be deemed necessary, especially at the highest levels of decision-making. The Committee also recommends that the Government sensitize political parties and the public at large about the importance of these measures.

National machinery for the advancement of women

28. While welcoming the efforts of the State party to better coordinate gender mainstreaming at the Government level through the establishment of the Council of Government for Gender Equality, the Committee remains concerned at the lack of clarity with respect to the mandates and responsibilities of the various components of its national machinery for the advancement of women, as well as its repeated restructuring in recent years, which could result in a lack of continuity in gender equality policies. It is also concerned at the limited capacity of the State party's national machinery to adequately ensure the coordination of gender mainstreaming in all areas and at all levels.

29. The Committee recommends that the State party further strengthen its national machinery for the advancement of women, by clearly defining the mandate and responsibilities of its various components, and enhancing coordination among them. It calls upon the State party to ensure that the national machinery has adequate decision-making power and human and financial resources to work effectively for the promotion of women's human rights at all levels. The Committee urges the State party to ensure that its national machinery develop policies and programmes aimed at achieving gender equality in a comprehensive and effective manner and within a human rights framework.

National action plan

30. While taking note of the various programmes monitored by the Department of Family Policies and Gender Policies to promote equality between women and men, the Committee is concerned at the absence at present of a national action plan on gender equality with established priorities and based on the evaluation of the previous National Action Plan for Women, which expired in 2007.

31. The Committee encourages the State party to proceed expeditiously with the formulation and subsequent adoption of the new National Strategy for Gender Equality for 2009-2013 with the involvement of all sectors of Government and in consultation with relevant non-governmental organizations. The Committee calls upon the State party to ensure that the new National Strategy is comprehensive and addresses the specific responsibilities of all areas of governance.

Negative cultural practices and education

32. While welcoming measures taken by the State party to eliminate gender segregation in the labour market, including through training programmes in the area of equal opportunities, the Committee is concerned about the persistence of traditional stereotypes regarding the roles and tasks of women and men in the family and in society at large, including in specific areas, such as the labour market, the health sector, academia and politics, that are strongly conditioned by traditional views. The Committee expresses concern at the persistence of gender stereotypes prevailing in school textbooks, which is a root cause of the traditional academic choices of boys and girls. The Committee is also concerned at the insufficient access to sex education in schools, which does not seem to meet the needs of girls and boys or to contribute to the fulfilment of the State party's responsibilities in that regard.

33. The Committee urges the State party to design and implement comprehensive programmes in the educational system and to encourage the mass media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention. It recommends that policies be developed and programmes implemented to ensure the eradication of traditional sex role stereotypes in the family, labour market, the health sector, academia, politics and society at large. The Committee calls upon the State party to complete the review of school textbooks in order to remove gender stereotypes and promote egalitarian views of women's and men's roles in the family and in society. It recommends that the State party ensure that sex education is widely promoted in schools and targeted at both girls and boys.

Violence against women and trafficking

34. While acknowledging current legal and other measures undertaken by the State party to eliminate violence against women, the Committee is concerned that the current legislation on violence may not be fully comprehensive and specific to address all forms of violence against women adequately. The Committee is also concerned at the high rate of violence against women and girls, including homicides resulting from domestic violence. The Committee notes with concern the lack of information in the State party's report with respect to support to women victims of violence, and the allocation of financial resources to programmes aimed at combating violence against women. Furthermore, the Committee is concerned at the lack of preventive programmes and campaigns targeting different groups of the population, including men, women and vulnerable communities, particularly taking into account that the phenomenon of violence against women is not acknowledged by several sectors of the population. The Committee expresses concern about the fact that corporal punishment in the home is lawful and constitutes a form of violence against children,

including the girl child. The Committee notes that, although the State party has adopted legislation criminalizing trafficking, as well as an action plan and mechanisms to address this phenomenon, the report does not provide a full picture of the situation of trafficked women and girls in Slovakia.

35. The Committee urges the State party to place high priority on the introduction of comprehensive and holistic measures to address all forms of violence against women in the family and in society. The Committee calls upon the State party to ensure that such violence is prosecuted and punished with the required seriousness and speed, and that those women victims of violence have immediate means of redress and protection. The Committee requests the State party to ensure that legislation on violence against women is specific and comprehensive with regard to women, encompassing all forms of violence and in line with the Committee's general recommendation No. 19. It recommends that measures be taken to provide shelters for women victims of violence in sufficient numbers and with adequate standards, and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party to take awareness-raising measures through the media and public education programmes, including a campaign of zero tolerance, to make such violence socially and morally unacceptable, and to undertake a study on the root causes of homicides resulting from domestic violence. The Committee recommends that the State party include in its legislation the prohibition of corporal punishment of children in the home. The Committee requests the State party to provide detailed information on the situation of trafficked women and girls in Slovakia in its next periodic report, as well as on the results of measures taken.

Roma women

36. While acknowledging the measures taken by the State party under the Decade of Roma Inclusion 2005-2015, the Committee is concerned that Roma women and girls remain in vulnerable and marginalized situations, especially with regard to health, education, employment and participation in public life, and are victims of multiple discrimination.

37. The Committee urges the State party to take effective measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to eliminate the multiple forms of discrimination against Roma women and girls and to enhance respect for their human rights. It calls upon the State party to accelerate achievement of Roma women's de facto equality by strengthening the coordination among all agencies working on Roma, non-discrimination and gender equality issues, in particular in the areas of health,

education, employment and participation in public life. The Committee urges the State party to implement targeted measures to eliminate discrimination against Roma women in all areas within specific timetables, to monitor their implementation and achievement of stated goals, including within the Decade of Roma Inclusion 2005-2015, and to take corrective action whenever necessary. The Committee also urges the State party to take concrete steps to change the traditional perception of Roma by the majority population, including through awareness and sensitization programmes targeting, in particular, those sectors of society where such attitudes are noticeable. It calls upon the State party to provide in its next periodic report a comprehensive picture of the situation of Roma women and girls, including data disaggregated by sex in regard to their educational opportunities and achievements, access to employment and health-care services and participation in public life and decision-making.

Participation of women in political and public life

38. The Committee expresses concern at the insufficient information in the State party's report on the participation of women at various levels and sectors of political and public life. The Committee is also concerned that available figures provided in the report indicate that women are underrepresented in decision-making and political bodies and in public life, including academia. Furthermore, the Committee is concerned at the explanation provided by the delegation that the very low level of representation of women in politics and decision-making bodies is due to insufficient social demand for political participation, which seems to indicate a lack of understanding by the State party of the importance of equal participation of women and men at all levels of decision-making and of the responsibilities of the State in promoting and supporting that participation.

39. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 and to establish concrete goals and timetables so as to accelerate the increase in the representation of women in elected and appointed bodies in all areas of political and public life, and at all levels, and to monitor their achievement. The Committee recommends efforts to increase the number of women in appointed decision-making positions in public administration. Such measures should include the setting of time-bound targets; implementation of awareness-raising campaigns; provision of financial incentives to political parties; and development of targeted training and mentoring programmes for women candidates and women elected to public office. The Committee urges the State party to carefully monitor the effectiveness of measures taken and of results achieved in its next periodic report.

Employment

40. While noting with appreciation the provisions of the Labour Code, and its 2003 amendment, which prohibits direct and indirect discrimination on the basis of sex, marital and family status, the Committee remains concerned about the disadvantaged situation of women in employment. It expresses particular concern at the highly segregated labour market, and the wide gap in pay between women and men, as well as the difficulties women experience in reconciling work and family life, which are a consequence of the deeply rooted stereotypes relating to the roles of women in the family and in society.

41. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, to adopt measures to narrow and close the wage gap between women and men by enacting equal pay for work of equal value legislation, as well as by applying job evaluation schemes in the public and private sectors connected with wage increases in female dominated sectors, to further facilitate reconciliation of women's family and professional responsibilities and to fully sensitize men to their equal participation in family tasks and responsibilities.

Health

42. While noting the measures taken by the State party to facilitate women's access to health care, including reproductive health, the Committee is deeply concerned about the insufficient regulation of the exercise of conscientious objection by health professionals with regard to sexual and reproductive health. The Committee is also concerned at the persisting high rate of abortion, which is a consequence of the lack of information and access of women to family planning. The Committee is further concerned at the difficulties women belonging to vulnerable communities experience in accessing health care due to the cost of related services. Furthermore, the Committee expresses concern at the lack of a holistic and life-cycle approach to women's health.

43. The Committee recommends that the State party adequately regulate the invocation of conscientious objection by health professionals so as to ensure that women's access to health and reproductive health is not limited. The Committee calls the attention of the State party to its general recommendation No. 24, which states that it is discriminatory for a State party to refuse to provide legally for the performance of certain reproductive health services for women. It recommends that, if health service providers refuse to perform such services based on conscientious objection, measures should be introduced to ensure that women are referred to alternative health providers. The Committee urges the State party to take measures to increase the access of women and adolescent girls to affordable health-care services, including reproductive health care, and to increase access to information and affordable means of family planning for

women and men. It calls upon the State party to increase its efforts to implement awareness-raising campaigns targeting women and men on the importance of family planning and related aspects of women's health and reproductive rights. The Committee recommends that the Government fully implement a life-cycle approach to women's health.

44. While acknowledging the explanations given by the delegation on the alleged coerced sterilization of Roma women, and noting the recently adopted legislation on sterilization, the Committee remains concerned at information received in respect of Roma women who report having been sterilized without prior and informed consent.

45. **Recalling its views in respect of communication No. 4/2004 (*Szijjarto v. Hungary*), the Committee recommends that the State party monitor public and private health centres, including hospitals and clinics, that perform sterilization procedures so as to ensure that patients are able to provide fully informed consent before any sterilization procedure is carried out, with appropriate sanctions being available and implemented in the event of a breach. It calls upon the State party to take further measures to ensure that the relevant provisions of the Convention and the pertinent paragraphs of the Committee's general recommendations Nos. 19 and 24 in relation to women's reproductive health and rights are known and adhered to by all relevant personnel in public and private health centres, including hospitals and clinics. The Committee recommends that the State party take all necessary measures to ensure that the complaints filed by Roma women on grounds of coerced sterilization are duly acknowledged and that victims of such practices are granted effective remedies.**

Family relations

46. The Committee is concerned that, as a result of the rising number of divorces, the number of single mothers has significantly increased in Slovakia. It regrets the lack of information in the report of the State party on the possible negative economic and social consequences of divorce for women, in particular single mothers, as well as on the situation of women in non-traditional family situations. It is further concerned that the current legislative framework does not adequately provide for an equal distribution of marital property upon divorce.

47. **The Committee recommends that the State party provide, in its next periodic report, detailed information on the possible negative economic and social consequences of divorce for women, in particular single mothers, and calls upon the State party to adopt legislative measures that would ensure a fair sharing between spouses of all assets acquired by either or both partners during marriage. The Committee requests the State party to include information in its next periodic report on the situation of women living in non-traditional family situations.**

Non-governmental organizations

48. The Committee notes with concern the insufficient level of cooperation and communication between the State party and women's non-governmental organizations, which became apparent during the constructive dialogue.

49. **The Committee recommends that the State party strengthen its cooperation with women's non-governmental organizations by, inter alia, increasing its participation in the formulation, implementation, monitoring and subsequent evaluation of policies, programmes and strategies aiming at achieving equality between women and men.**

Parliament

50. **While reaffirming that the Government has the primary responsibility and is in particular accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and it invites the State party to encourage its national parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the Government's next reporting process under the Convention.**

Beijing Declaration and Platform for Action

51. **The Committee urges the State party to continue to utilize, in implementing its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

Millennium Development Goals

52. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

Ratification of other treaties

53. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Slovakia to consider ratifying the treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

Dissemination

54. The Committee requests the wide dissemination in Slovakia of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-

third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Follow-up to concluding observations

55. The Committee requests the State party to provide, in one year, written information on the steps taken to implement the recommendations contained in paragraph 45 above. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate, for the implementation of the above recommendations.

Date of the next periodic report

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

56. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which is due in June 2010, and its sixth periodic report, which is due in June 2014, in a combined report by June 2014.