



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

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

**Seventh periodic report submitted by Slovakia under
article 18 of the Convention, due in 2021****

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* The present document is being issued without formal editing.

** The annex to the present report may be accessed from the web page of the Committee.



I. Legislative and political framework

1. In 2015, Anti-Discrimination Act has been amended by broadening the definition of basic provisions in compliance with the equal treatment principle¹ The most recent amendment from 2016 extended the list of exempted entities to include new provisions.²

2. Although the provisions on discrimination (Articles 1 and 2 of the Convention) are not identically transposed in the Anti-Discrimination Act, the obligations of the contractual country have been partially regulated in other acts. Main amendments to the anti-discrimination legislation have been complied with the amendment of the Labour Code No. 311/2001, Act No. 245/2008 on Education (Education Act), Act No. 576/2004 on Health Care, Services related to the Provision of Health Care and on the amendment and supplementation of certain acts, as amended, and on the amendment and supplementation of the Act No. 308/1993 on the Establishment of the SNCHR.

3. Protection against discrimination in Slovakia is provided through different sources of law including the Convention which is hierarchically positioned above laws.

4. The Constitution prohibits all forms of discrimination in exercising constitutional rights and the Anti-Discrimination Act prohibits all forms of discrimination in selected areas of employment, education, healthcare, social benefits and access to goods and services including commercial housing.

5. In the above-mentioned Act is the direct discrimination – which, together with indirect discrimination, harassment, sexual harassment, secondary victimization, instruction to discriminate or incitement to discrimination or discrimination of a legal entity, belongs to legal forms of discrimination in accordance with the Anti-Discrimination Act – defined as follows: it is action or negligence through which a person is treated less favourably than a different person in a comparable position is, may be or was treated. Other acts stated below prohibit discrimination in particular areas. It is necessary to assess implementation of the Convention in the legal system as a whole, not only in the Anti-Discrimination Act.

6. Forms of remedy are also based on the source of protection. If the discrimination is perceived to be in conflict with the Constitution or provisions of the Convention, the complainant may turn to the Constitutional Court with an individual complaint. Violation of the Anti-Discrimination Act and of other acts may be resolved by general courts. Below the level of courts, violations of the ban on discrimination in certain areas may first be dealt with by various inspection authorities such as the Labour Inspectorate, Slovak Trade Inspection, School Inspection or Health Care Surveillance Authority which may sanction the offenders. SNCHR may also receive complaints, provide information and assistance as well as legal assistance or mediation.

¹ The Act No. 365/2004 Coll. on Equal Treatment in Some Areas and on Protection against Discrimination and on Amendments and Supplements to Certain Acts (the Anti-Discrimination Act) Article 2 (1): “The compliance with the equal treatment principle consists of the ban on discrimination on grounds of gender, religion or belief, race, nationality or ethnic origin, disability, age, sexual orientation, marital or family status, skin colour, language, political or other opinion, national or social origin, property, lineage or other status, or due to reporting crime or other asocial activity”.

² Anti-Discrimination Act Art. 4 (1) (b) and (c).

A. Labour Code amendments

7. The equal treatment principle is governed by the Article 13 (with references to the Anti-Discrimination Act). The amendment to the Labour Code No. 376/2018 Coll. coming into effect on 1 January 2019 extended, among other things, the right to handle information on salary conditions freely, without employees being obliged to maintain confidentiality in this regard.³ Similarly, it enhances transparency regarding information about salaries of women compared to men.

8. Article 13 (6), (7) and (8) govern the rights of employees in case of violation of the equal treatment principle. An employee has the right to lodge a complaint with his/her employer. In this case the employer is obliged to respond immediately, to remedy the problem, to refrain from such conduct and to eliminate its consequences. The employee is entitled to claim a violation of the rights arising from the equal treatment principle directly at a court and to seek legal protection pursuant to the Anti-Discrimination Act.

B. Civil proceedings pursuant to the Anti-Discrimination Act

9. General procedural provisions in civil litigation are governed by the Civil Procedure Code. The Act introduces the term of “litigation with weaker party protection”, while departing from some general provisions. Anchoring specific legislation on disputes involving weaker party protection, which, pursuant to the Civil Procedure Code, include a consumer, an employee and a discriminated person. Pursuant to this legislation, weaker party to a dispute will have a specific position, manifesting itself in certain specific features compared to the standard course of a civil litigation. “The primary objective pursued by the legal regulation related to the weaker party is to compensate or balance the (naturally unequal) position of the weaker party in relation to the other litigant”.⁴

10. Anti-discrimination disputes⁵ are governed by reference to anti-discrimination legislation (particularly the Anti-Discrimination Act) which stipulates that provisions of the Civil Procedure Code shall be used, unless equal treatment regulations and regulations on protection against discrimination determine otherwise. Exceptions to the general procedural rules include: broader obligation of a court on advising complainants of their rights, the ability of the court to seek evidence on its own initiative,⁶ the right of the complainant to submit evidence at any time by the moment of the delivery of a decision on the issue⁷, and the obligation of courts to hold hearings in all anti-discrimination proceedings.⁸ The court is obliged to conduct hearings in all anti-discrimination proceedings, with an exception applying in the event when the applicant agrees that the case may be tried without a hearing. The Civil Procedure Code also introduced a provision authorizing a civil association established pursuant to the Act No. 83/1990 Coll. on the Association of Citizens, as amended, the aim or object of activity of which is the protection against discrimination and it authorizes

³ Act No. 311/2001 Coll. Labour Code, Art. 13 (5).

⁴ Miroslava Kušnířiková, Particularities of law in disputes with the protection of the disadvantaged party in comparison to the standard course of civil dispute process, *studia iuridica Cassoviensia*, ISSN 1339-3995, volume 7.2019, No. 1, https://sic.pravo.upjs.sk/ecasopis/72019-1/10_kusnikova_osobitosti_sporov_s_ochranou_slabsej_strany.pdf.

⁵ 160/2015 Coll. Civil Procedure Code, Articles 307-315.

⁶ *Ibid.*, Art. 311.

⁷ *Ibid.*, Art. 312.

⁸ *Ibid.*, Art. 314.

SNCHR to represent parties in cases related to the violation of the equal treatment principle when filing an extraordinary appeal to the Supreme Court.⁹

11. In 2018, the MoJ SR recorded 13 anti-discrimination proceedings at general courts out of which 3 were successful, 1 was partially successful and 9 were rejected. In 2019, there were 12 proceedings out of which 1 was successful, 1 partially successful, 1 was withdrawn by the complainant and 9 were rejected. In April 2021, the MoJ SR received records of 10 cases in 2020, all of which had been rejected.

12. The majority of rejected cases included the so-called cases of discrimination of judges, which formed a high number of discrimination cases filed in the previous decade and were concerning salary differences between judges of general courts and judges of the former Special Court which does not exist any longer.

C. Employment Services Act

13. Non-discriminatory access to employment is governed by the Act No. 5/2004 Coll. on Employment Services and on Amendments and Supplements to Certain Acts.

14. In accordance with Section 14 (2) of the Employment Services Act a citizen has the right to access employment with no restrictions in accordance with the principle of equal treatment in employment arrangements and in similar legal arrangements laid down in a special act (Anti-Discrimination Act).

15. In accordance with the principle of equal treatment, discrimination also on grounds of marital or family status, skin colour, language, political or other opinion, trade union activity, national or social origin, disability, age, property, lineage or other status shall be prohibited.

D. The Victims of Crime Act

16. In 2018, the Victims of Crime Act (Act No. 274/2017 Coll. on the Victims of Crime and on Amendments and Supplements to Certain Acts) entered into force. It governs the rights, protection and support for victims of crimes, relations between the state and entities providing assistance and financial compensation for victims of violent crime.

17. Since 2018, the MoJ SR has granted accreditation to 11 entities providing assistance to victims. In addition to accredited entities, victims are also helped by other organizations focused on provision of social services and advisory. These various entities provide assistance to victims even without coordination with law enforcement agencies. However, it has been demonstrated in practice that it is exactly the coordination of activities between entities providing assistance to victims and law enforcement agencies that is very important in the case of victims of domestic violence.¹⁰

II. Impact of the pandemic on women's rights and gender equality

18. Policies in response to the COVID-19 pandemic have had an impact on the compliance with the human rights principles. The combination of strict measures has

⁹ Ibid., Art. 429 (2) (c).

¹⁰ See Annex.

led to increased levels of domestic and sexual violence.¹¹ Girls and women are particularly vulnerable to the economic and social consequences of the pandemic. The SR has acknowledged this problem and has been taking measures to mitigate the impact of the COVID-19 crisis on women's rights.

A. Violence against women

19. A proper adaptation of the legislation to ensure the sustainability and support of safe women's homes and 24/7 crisis helplines are crucial tools to prevent further violence and assist victims. According to information from the National Helpline for Women Experiencing Violence, the number of calls doubled in the first three months since the adoption of pandemic measures, i.e. from March to May 2020. The number of women calling the helpline for the first time has also doubled. Women reported dangerous threats and the number of calls from women experiencing post-separation violence also increased significantly. The most frequently mentioned perpetrators included husbands followed by partners and ex-partners. Also the number of calls from people experiencing other types of domestic violence (violence by their adult children, but also by siblings, parents or other relatives, as well as neighbours) increased.¹²

20. "Back in April, the MoLSAF SR issued a resolution ordering the higher territorial units to provide an emergency housing facility to accommodate women at acute risk of violence and their children. The purpose of such a facility was to provide the possibility of safe quarantine and testing so that the clients could consequently go to particular crisis centres. However, according to the findings, this did not happen; therefore lots of women and their children had to rely on help from families, relatives and neighbours".¹³

21. In the spring of 2020, an intensive media campaign was started with an objective to raise awareness of victim assistance options and to support witnesses' courage in reporting suspicious behaviour. The CMC considers the growing media coverage of the existence of violence against women in Slovakia one of the reasons for raising awareness of domestic violence.¹⁴

B. Financial support for the so-called 'invisible work'

22. Pursuant to the Regulation of the Slovak Government No. 302/2020 Coll., amending the Regulation of the Slovak Government No. 102/2020 Coll. on certain measures in the field of social affairs, family and employment services in time of emergency, a state of emergency or the state of emergency declared in connection with the COVID-19 pandemic, as amended, the parental allowance will continue to be provided also for the period of duration of the crisis situation to those persons, whose entitlement to the parental allowance expires during the time of the crisis situation due to the fact that their child has reached the age of three or six years if the child is a child with a long-term adverse health condition or a child who has been entrusted to the care of a person substituting parental care, or if three years have elapsed since the first decision on the commitment of the child to the care of the entitled person came into effect. At the same time, these must be persons who do not

¹¹ PR IWFR, "Available data have confirmed that violence against women during the coronavirus crisis increased significantly", https://ivpr.gov.sk/wp-content/uploads/2020/06/TS_zistovanie_kr%C3%ADzov%C3%A9-ubytovanie_2020_final.pdf.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

earn any wage or salary, income from business or other self-employment activity, or are not receiving any social insurance benefits, old-age pension, supplementary pension benefits, social security benefit or care allowance, or are not entitled to the parental allowance within the meaning of the law for another child.¹⁵ Parents providing personal and full-time care to their child are entitled to pandemic care allowance during the crisis, provided that the conditions laid down by law are met.¹⁶

III. Access of women to justice

23. Judicial hold-outs are a significant barrier to access to justice (also) for discrimination cases. It is not uncommon for court proceedings to take several years at one level of court.¹⁷

24. Victims in material need have access to free legal representation provided by the state, although this can only be provided in civil court proceedings; it cannot be provided in administrative proceedings/proceedings in inspectorates. The threshold for entitlement to the gratuitous legal aid or legal aid with a symbolic financial contribution is relatively low, but there is still relatively significant group of people who are unable to pay for legal services.¹⁸

25. SNCHR is entitled to provide legal assistance to victims of discrimination. In 2019, it “provided gratuitous legal assistance in 109 cases of alleged discrimination. This represents an increase of 19 complaints compared to the calendar year 2018, while the total number of complaints filed in 2019”.¹⁹

26. The publication *Discrimination in Slovakia: Searching for barriers in access to effective legal protection from discrimination* mentions, among other things, a nationwide survey, which indicated that only a very small percentage of respondents had sought legal assistance or defended themselves against discrimination legally (4.7 per cent) “whereas more than 92% had not taken any action to defend themselves”.²⁰

Number of solved anti-discrimination cases

27. The MoJ SR collects data on completed cases, although it has acknowledged shortcomings in data collection by some courts (the review of the provided data discovered that some data proved inaccurate, for example courts labelled some cases as anti-discrimination litigation, but in the end it turned out that the cases did not involve discrimination). The MoJ SR states that it has been able to minimise existing problems by ongoing secondary analysis of collected cases. In addition, it has created

¹⁵ The Regulation of the Slovak Government No. 302/2020 Coll., amending the Regulation of the Slovak Government No. 102/2020 Coll. on certain measures in the field of social affairs, family and employment services in time of emergency, a state of emergency or the state of emergency declared in connection with COVID-19, as amended.

¹⁶ Act No. 461/2003 Coll. the Act on Social Insurance, Article 39.

¹⁷ European Commission, Directorate-General for Justice and Consumer. Country report. Non-discrimination. Transposition and implementation at national level of Council Directives 2000/43 and 2000/78. Slovakia. Luxembourg: Publications Office of the European Union. 2020. pp. 76.

¹⁸ Ibid. page 77.

¹⁹ SNCHR, “Final annual report” <http://www.snslp.sk/wp-content/uploads/Rocna-zaverecna-sprava-o-cinosti-SNSLP-za-rok-2019.pdf>.

²⁰ Durbáková, V., Holubová, B., Ivanco, Š., Liptáková, S. (2012), Searching for barriers in access to effective legal protection from discrimination. Košice: Counselling for civil and human rights, pages 78–79 in EUROPEAN COMMISSION, DG Justice.

its own summary of court decisions related to discrimination cases based on existing data collection, as well as its own searches in public databases of court decisions.²¹

28. There has been an improvement in registration of cases of discrimination by courts and subsequent collection of data for statistical purposes and its disclosure to the public. In 2018, in order to address problems in the registration of discrimination cases by national courts, the MoJ SR prepared a set of new rules for the registration of final court decisions in discrimination cases. Since 1 January 2019, courts have an option to choose “anti-discrimination case” as a type of court proceedings and can also record the reason for discrimination and the substantive scope of the discrimination case.²²

IV. National Human Rights Institution

29. The SNCHR has been established as a national human rights institution and a national anti-discrimination body by the Slovak National Council Act No. 308/1993 Coll. on the establishment of SNCHR. In 2015, the Act was amended²³ by provisions extending the SNCHR’s powers. Competences of SNCHR: at the request of natural or legal persons or on its own initiative, the SNCHR issues expert opinions on matters of compliance with the principle of equal treatment according to a special regulation, it conducts independent investigations on discrimination, prepares and publishes reports and recommendations on discrimination issues.

30. In 2019, SNCHR provided gratuitous legal assistance in 109 cases of alleged discrimination. Compared to the calendar year 2018, this corresponds to an increase of 19 complaints in total, whereas out of the total of 352 complaints filed in 2019, almost one third were complaints, in which clients alleged the discrimination”.²⁴

31. As far as the discrimination ban is concerned, as many as 57 cases involved alleged unequal treatment in employment and similar legal relationships.²⁵

32. In 2018, SNCHR signed the Memorandum of Mutual Cooperation with the Žilina Self-Governing Region in order to promote the effectiveness of the provision of free legal services and assistance, prevention of discrimination and provision of educational activities in the field of human rights.²⁶ Memorandums of cooperation were also signed with the Chamber of Mediators for the exchange of information and methodological procedures for the alternative resolution of anti-discrimination disputes and mutual support in fulfilling their agenda.²⁷

33. In 2019, cooperation agreements were also signed with the IWFR. These institutions undertook to cooperate in creating conditions for the effective implementation and monitoring of the Anti-Discrimination Act, with a focus on eliminating and preventing discrimination against women and sexual harassment,

²¹ Replies of the SR of 27 January 2020 to the request for information from the European Commission from 16 January 2016 in European Commission, DG Justice. Country report. Non-discrimination. Transposition and implementation at national level of Council Directives 2000/43 and 2000/78. Slovakia. Luxembourg: Publications Office of the European Union. 2020.

²² Ibid.

²³ In 2015, in connection with the establishment of the Commissioners, the wording “including rights of the child” was deleted from the Centre Act, in Section 1 (2) of the introductory sentence. Act No. 176/2015 Coll.

²⁴ SNCHR, “Final annual report” [Rocna-zaverecna-sprava-o-cinosti-SNSLP-za-rok-2019.pdf](#).

²⁵ See Annex.

²⁶ Information from the SNCHR website. Available at <http://www.snslp.sk/?locale=sk#menu=3014>.

²⁷ Information from the SNCHR website http://www.snslp.sk/CCMS/files/Memorandum_o_spolupr%C3%A1ci_-_Komora_medi%C3%A1torov.pdf.

increasing the use of temporary particular measures, collecting and monitoring data in the field, implementing education programmes for employers and employees in the public administration, and cooperating in the exchange of professional experience and mutual consulting.²⁸

34. From 2014 to 2018, SNCHR continuously monitored cases of sexual harassment and bullying of women at workplaces, namely through suggestions submitted to the SNCHR and media monitoring. Reports on monitoring of cases of sexual harassment and bullying of women at workplace are available at the SNCHR website.²⁹

35. The SNCHR publishes annually a Report on the observance of human rights, including the equal treatment principle in the SR.³⁰ This is a summary report providing a comprehensive picture of the implementation of selected human rights and fundamental freedoms in Slovakia.

Educational activities and cooperation with universities

36. SNCHR has long cooperated with faculties of law and humanities by providing internships for students and graduates at SNCHR and its regional offices. In 2018, the SNCHR signed a Memorandum of Cooperation with the Faculty of Law of the Pan-European University in Bratislava with the aim of promoting more intensive human rights education and creating opportunities for cooperation on projects and joint initiatives in the field of educational development and raising awareness of the SNCHR activity.

37. On 4 March 2016, SNCHR held training at the MoED SR on elimination of violence against women. In 2016, SNCHR conducted 27 trainings on non-discrimination, 17 trainings on mobbing, bossing and bullying at workplaces.³¹

38. In 2017, SNCHR organized a total of 148 educational activities attended by 3,933 participants, as well as 9 events on non-discrimination, 5 on the gender equality and 27 on bullying/cyber-bullying and mobbing/bossing.³²

39. In 2018, SNCHR organized a total of 317 educational activities attended by 7,635 participants, 21 events on non-discrimination, 14 on the gender equality, 82 on bullying/cyber-bullying and mobbing/bossing as well as events on violence against women and sexual violence.

40. In 2019, SNCHR organized a total of 597 educational activities attended by 14,650 participants, 31 events on non-discrimination, 17 on the gender equality and 177 on bullying/cyber-bullying and mobbing/bossing as well as one event on violence against women and sexual violence.³³

41. SNCHR also works with students in the form of an essay competition. In 2019, the SNCHR organised the seventh year of the “My Human Rights” art competition.³⁴

²⁸ Information from the SNCHR website,

http://www.snslp.sk/CCMS/files/memorandum_o_spolupr%C3%A1ci.pdf.

²⁹ SNCHR, Published outputs, <http://www.snslp.sk/nasa-cinnost/vyskumna-cinnost/publikovane-vystupy-vyskumnej-cinnosti/>.

³⁰ SNCHR, Report on the observance of human rights, <http://www.snslp.sk/nasa-cinnost/monitoring-a-reporting/sprava-o-dodrziavani-ludskych-prav/>.

³¹ The annual final report on the activities of the SNCHR in 2016, page 11.

³² The annual final report on the activities of the SNCHR in 2017.

³³ The annual final report on the activities of the SNCHR in 2018.

³⁴ The annual final report on the activities of the SNCHR in 2019.

Representatives of SNCHR regularly participate in events organized by the academic community,³⁵ as well as organize their own professional conferences.³⁶

V. National mechanisms to support women

42. Since September 2012, the gender equality agenda has been the responsibility of the MoLSAF SR, namely its Gender Equality Department and the Department of Horizontal Principles in the Field of the Implementation of European Structural and Investment Funds are responsible for this agenda.^{37,38}

43. *The Gender Equality Department* is responsible for the coordination and implementation of the national policy in the fields of gender equality and equal opportunities. It formulates and implements national policies in the fields of gender equality and equal opportunities. As a priority it deals with the prevention and elimination of violence against women and domestic violence, income disparities between women and men, reconciliation of work and family life, remuneration differences between women and men holding equal positions for equal work, equal opportunities and the elimination of discrimination against women.

44. *The Horizontal Principles Department, inter alia*, performs and ensures tasks in the field of coordination of the implementation of horizontal principles of equality between men and women and non-discrimination in projects financed by the European Structural and Investment Funds in the 2014–2020 programming period. The horizontal principles of equality between men and women and non-discrimination aim is to remove barriers that lead to the isolation and exclusion of people from public, political, social and working life on the basis of social categories such as gender, lineage, age, race, ethnicity, religion or belief, sexual orientation, disability, wage discrimination, etc.³⁹

45. The Horizontal Principles Department will ensure the compliance with the horizontal principles also in the 2021–2027 programming period. Based on the Regulation of the European Parliament and of the Council, horizontal principles focused on elimination of inequalities and promoting the equality of women and men, as well as on fighting discrimination on the basis of sex, race or ethnic origin, religion or belief, disability, age or sexual orientation are going to be followed during implementation of funds of the EU's Cohesion Policy in the period of 2021–2027.

A. NGOs' funding

46. The funding of non-governmental organisations operating in the field of gender equality and the exercise of women's rights is governed by the Act No. 544/2010 Coll. on subsidies under the competence of the MoLSAF SR.

47. In 2020, the MoLSAF SR amended the Act on subsidies. Prior to the amendment, subsidies could be granted for an exhaustive list of activities, i.e. educational, consultancy, publication and analytical activities. Following the amendment, applicants can still apply for subsidies for all of the above activities, but currently subsidies can be used to support all activities that contribute to achieving

³⁵ The annual final report on the activities of the SNCHR in 2018, page 30.

³⁶ Ibid. page 50.

³⁷ Organization rules of the MoLSAF SR, Article 27, <https://www.employment.gov.sk/files/slovensky/ministerstvo/organizacna-struktura/uplne-znenie-organizacneho-poriadku-mps-vr-sr.pdf>.

³⁸ Ibid., Art. 28c, Art. 28d.

³⁹ See Annex.

equality between women and men. These include activities to promote equality between women and men, to eliminate the gender remuneration differences, to ensure and promote work-life balance, to promote a fair redistribution of invisible work and to combat violence against women.

48. The MoJ SR annually supports NGOs including organizations working in the area of equality between women and men, women's rights and gender-based violence within a subsidy scheme to promote human rights. In 2021, the MoJ SR approved 6 such projects and granted them subsidies totalling EUR 172,430 and in 2020 it was 5 projects with subsidies totalling EUR 96,432.

49. On 14 May 2021, the administrator of the programme, MoIRDI SR, launched an open call for applications for subsidies to promote intervention teams at a local level in the area of services for victims of domestic and gender-based violence including children (DGV02) within the Domestic and Gender-based Violence Programme. The aim is to promote the existing services for victims of domestic and gender-based violence including children and to integrate such services in intervention teams at a local level.

50. According to the findings of the EIGE in 2020, the SR has not made significant progress in achieving gender equality. Slovakia was evaluated with the score of 55.5 out of 100, thus ranking 25th in the EU in terms of the gender equality index scoring 12.4 points lower than the EU average.⁴⁰

B. National Strategy for Gender Equality and Equal Opportunities 2021–2027 and the related Action Plan

51. The National Strategy for Gender Equality and Equal Opportunities 2021–2027 and the corresponding Action Plan focus on areas that significantly affect the gender equality in Slovakia. These include violence against women, bullying and sexual harassment, discrimination against women in education, science and research, discrimination against employed women and jobseekers, the gender pay gap, invisible labour, women and their representation in positions of power, and guaranteeing gender equality at the institutional level.

52. Also issues that a woman may encounter in the course of her life and which may be of fundamental importance to her have been taken into account. These include support of family planning, fertility treatment and specialised care before, during and after childbirth, with an emphasis on a positive birth experience.

53. The Action Plan contains a number of particular objectives, meeting of which will have a direct impact on improving women's quality of life. These include legal entitlement to a place in kindergarten from the age of 3, ensuring the availability of kindergartens and the introduction of innovative and flexible forms of childcare (including children under the age of 3), reform of the remuneration system of teachers and other female-dominated professions, ensuring a sufficient number of regionally available specialised support services for women experiencing violence and their children etc.

⁴⁰ EIGE: Gender Equality Index 2020: Slovakia. Publication office of the European Union. ISBN 978-92-9482-508-7. Available at: <https://eige.europa.eu/publications/gender-equality-index-2020-slovakia>.

VI. Temporary compensatory measures

54. The goal of TCM is to prevent or mitigate disadvantages and discrimination as well as to promote equality, taking into account the specific situation of marginalised groups. In 2018, SNCHR addressed selected public authorities and other relevant actors regarding the adoption, implementation and cooperation of TCM. The Anti-Discrimination Act defines these measures as acceptable differential treatment. SNCHR seeks to provide a comprehensive overview of the implemented measures. In 2018, SNCHR received only two reports on implemented measures on the initiative of the receiving entity.⁴¹ These were namely the report from the municipality of Boľany and a report from the Office of the Government Plenipotentiary for Roma Communities. Other entities only inform SNCHR about the implemented measures on a basis of an annual request from the SNCHR.⁴²

A. Promotion of the pre-primary education of children from marginalised Roma communities I. and II.

55. The MoI SR/Office of the Plenipotentiary of the Government of the SR for Roma Communities in 2018 within the implementation of the national project called “The promotion of the pre-primary education of children from marginalized Roma communities I.” (hereinafter referred to as “NP PRIM”) has adopted the TCM pursuant to the Section 8a of the Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on amendments and supplements of certain acts (Anti-Discrimination Act), as amended, by introducing the obligation of preferential employment of Roma applicants upon the recruitment for the below mentioned job positions financed from the funds of the NP PRIM.

56. The TCM is applied in the selection of a teaching assistant in a kindergarten and a professional staff member in a kindergarten pursuant to the Act on Teaching and Professional Staff.

57. A future employer (municipality, primary school with kindergarten, or kindergarten) is obliged to apply preferential employment rules when recruiting the applicant for the position to be filled.⁴³

B. You have a chance too!

58. The project called You have a chance too! consists of supporting secondary school students from the Roma community by providing gratuitous preparatory courses for the entrance exams to the EUBA. Participants must meet all application requirements. Successful Roma applicants are provided with study assistance related to the getting familiar with the university environment and assisting with their studies. The project is organised by the civic association Centre for Research on Ethnicity and Culture in cooperation with EUBA.⁴⁴

59. In 2018, the MoC SR continued to implement projects and measures to support the protection and promotion of human rights in culture, to prevent discrimination

⁴¹ Anti-Discrimination Act Art. 8 (4).

⁴² Office of the Government Plenipotentiary for Roma Communities, TCM as a flexible instrument to mitigate disparities, Adoption of TCM in practice, page 5, https://www.minv.sk/swift_data/source/romovia/publikacie/Docasne%20vyrovnavacie%20opatrenia%20ako%20flexibilny%20nastroj%20zmiernovania%20rozdielov.pdf.

⁴³ Ibid. page 124.

⁴⁴ SNCHR, Report on the Observance of Human Rights, 2016. Page 97–98.

and all forms of violence, and to create cultural institutions accessible also to vulnerable groups. The MoC SR has not adopted any new compensatory measure. “The culture of disadvantaged groups” is a financial measure to promote social inclusion and cohesion. It enables the fulfilment of cultural needs of people with disabilities or other disadvantaged groups.^{45,46}

60. BSK adopted a Regional Action Plan for 2018–2020,⁴⁷ with the aim of ensuring “respect for women’s human rights in the Bratislava region through implementation of measures and tasks in 5 implementation areas: 1. ensuring awareness and education of the general public in the field of violence against women, 2. ensuring awareness and education of the professional public in the field of violence against women, 3. development of a network of entities and institutions providing professional counselling to women being victims of the violence, 4. development of a network of entities and institutions operating in the field of crisis intervention for women being victims of violence, 5. creation of conditions for the reintegration of women being victims of violence”.⁴⁸

C. National project “Family and Work”

61. In 2018, the MoLSAF SR published a call aimed at supporting the reconciliation of work and family life within the national project “Family and Work”, with the aim of creating effective measures to integrate mothers with young children in less developed regions into the labour market after returning from parental leave by promoting flexible working positions including in the form of TCM.⁴⁹

62. The MoLSAF SR has also launched the “Family and Work II” project. Improving conditions for work-life balance and increasing the employment of people with parental responsibilities, especially women, are the particular objectives of this project. Eligible activities include the promotion of flexible forms of childcare, support for harmonization of work and family life and the re-entry of mothers to the labour market after their return from parental leave through flexible working positions. Unlike the original national project, the project includes the support for innovative forms of care for children with disabilities.

63. The MoLSAF SR supports projects promoting gender equality under its own subsidy scheme (see *above*). Subsidies can be granted for activities aimed at achieving gender equality or at promoting compliance with the principle of equal treatment.

64. The MoLSAF SR has been considering the preparation of work plans and specific programmes to increase employment opportunities for older female employees and women in managerial or technical positions. The MoLSAF SR reported that it would seek to introduce new temporary equalisation measures in the future.⁵⁰

65. The MoH SR adopts TCM through the state contributory organisation *Healthy Regions*. It aims to implement measures and programmes that have a significant

⁴⁵ See www.culture.gov.sk/vdoc/794/kulturaznevychodnenych-skupin-2018-2bd.html.

⁴⁶ SNCHR, Report on the Observance of Human Rights, 2018. Page 114.

⁴⁷ Regional Action plan of BSK for the violence prevention and elimination, <https://portal.egov.region-bsk.sk/-/regionalny-akcny-plan-bsk-na-prevenciu-a-eliminaciu-nasilia>.

⁴⁸ Ibid.

⁴⁹ MoLSAF SR, National project “Reconciliation of work and family life,” https://www.upsvr.gov.sk/narodne-projekty-oznamenia-o-moznosti-predkladania-ziadosti-o-poskytnutie-financneho-prispevku/narodny-projekt-zosuladenie-rodinneho-a-pracovneho-zivota.html?page_id=928628.

⁵⁰ MoLSAF SR for SNCHR in the Report on the observance of human rights, 2018, page 121.

impact on improving health-related conditions and bring about a significant improvement in access to health services and information increasing health literacy and individuals' responsibility for their health, thereby contributing to the integration of excluded groups into society. Key activities include the implementation of the National Healthy Communities 2A Project (2017–2019) and the National Healthy Communities 3A Project (2017–2020) funded by the European Structural and Investment Funds. The continuation of the Healthy Communities 2A + 3A National Project is planned for 2020–2022 (the project is funded by European Structural and Investment Funds) and there is a vision to continue also beyond 2023.⁵¹

VII. Stereotypes

66. According to the results of the Gender Equality Index (2019),⁵² parental leave available to both parents is one of the most effective measures for reconciling family and work life. Nevertheless, parents often can't use it because their eligibility may depend on various criteria (e.g. whether a parent has a paid job;). Changes in the labour market, such as the proliferation of atypical forms of employment, may reduce the parents' eligibility. In 2016, 26 per cent of women and 12 per cent of men aged between 20 and 49 (potential parents) in Slovakia were not eligible for maternity/parental allowance. Unemployment or inactivity were the main reasons for ineligibility for 82 per cent of women and 87 per cent of men. The remaining 18 per cent of women and 13 per cent of men were not eligible for maternity/parental allowance due to insufficient duration of employment. Within the employed population, 6 per cent of women and 2 per cent of men were not eligible for maternity/parental allowance.

67. In 2019, only 67 per cent of women aged 20–64 were employed, compared to 80 per cent of men. In other words, there is a gender employment gap of 13 percentage points. The low employment rate of women with young children is one of the reasons for this. In 2014, Slovakia had the lowest number of employed mothers of little children in the EU. Long maternity and parental leaves are also associated with long-term lower incomes and lead to lower pensions.⁵³

A. Paternity leave,⁵⁴ Study of the Institute for Financial Policy (IFP)

68. Mothers earn less than childless women and are facing the so-called motherhood penalty. During maternity and parental leave women have little opportunities for their professional development; and even when they return to work after the end of the maternity/parental leave, they have a higher level of responsibility for the family and the household. This situation places a double burden on women, which is an obstacle to their career development.

69. The parental leave for fathers is one of the solutions contributing to gender equality. This measure might help to mitigate the imbalance between paid and unpaid work, in particular if the mother takes up work and the father looks after the child all

⁵¹ Ibid. 123.

⁵² EIGE: Gender Equality Index 2019: Slovakia. Available at <https://eige.europa.eu/publications/gender-equalityindex-2019-slovakia>, page 4.

⁵³ European Commission, Women's situation in the labour market. European Commission, https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/women-labour-market-work-life-balance/womens-situation-labour-market_en.

⁵⁴ Dančíková, Zuzana.: Ani muži nemôžu mať všetko Materská pre otcov a nástup matiek do práce. Komentary 2020/06. IPF, MF SR, https://www.mfsr.sk/files/archiv/31/Komentar_materskeotcov_final.pdf.

by himself. At the same time, it may also lead to a fairer distribution of childcare and household care in the long term. In this area, Slovakia has been preparing for the transposition of Directive 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and persons with caring responsibilities.

70. While in 2018 about 10,000 fathers were granted maternity benefits in Slovakia, in the first 6 months of 2019 alone, 6,500 fathers applied for maternity benefits. Since the introduction of this measure in 2011, the number of fathers on parental leave has doubled every year.

71. When fathers go on parental leave, mothers tend to start working earlier. Higher income of a mother is an indicator of her earlier return to work. Half of mothers, who started working in 2019, started working within 33 months after giving birth, while half of them have been at home longer. In cases when a father took parental leave and was really engaged in childcare and household care, mothers were entering the labour force as early as 25 months after giving birth.⁵⁵

B. Reconciling work and family life – projects

72. The work-family life balance can be viewed as the interaction between paid work and other activities, including unpaid family and community work, leisure and personal development. It means creating a culture of ‘productive work’, minimising the mismatch between work and other areas of human lives.⁵⁶

C. Gender equality at workplace⁵⁷

73. By improving the conditions for reconciling work and family life, a national project named Gender Equality (MoLSAF SR) aims to increase the employment of persons with parental responsibilities, in particular women. The main objective of the project is improving the conditions for reconciling work and family life and increasing the employment of persons with parental responsibilities, in particular women. The project seeks to contribute to the harmonization of the work and family life, finding work-life balance, to promote women’s participation in the labour market, to improve women’s position in the labour market and to facilitate women’s return from maternity/parental leave to work.

74. One of the results of the project is the creation of a concept of reconciliation of work and family life of women and men and its implementation by employers throughout Slovakia. The concept has been created by a group of experts on gender equality. Their task is to create analytical, conceptual and methodological materials that will be available to potential employers, through employment service providers, social partners and research and educational institutions dealing with equal gender opportunities. The project has been supported by the ESF.

⁵⁵ Ibid.

⁵⁶ Ondrijová,I, Tomková.A.: Analýza problematiky zosúlad'ovania pracovného a rodinného života. Journal of Global Science ISSN: 2453-756X (Online) Journal homepage: <http://www.jogsc.com> pg. 2.

⁵⁷ Gender equality at workplace, <https://www.employment.gov.sk/sk/ministerstvo/projekty/narodny-projekt-rodova-rovnost-pracovisku/tlacove-spravy/rodova-rovnost-pracovisku.html>.

D. Reconciling work and family life⁵⁸

75. The objective of the national project is to improve the conditions for reconciliation of work and family life and to increase the employment of persons with parental responsibilities, in particular women, as well as single parents caring for at least one child and other persons experiencing difficulties in reconciliation due to caring for dependent family or household members. The project focuses on the support of employers, who implement measures assisting such persons by providing them with the opportunity to return to the labour market through employment.⁵⁹

76. The project mainly focuses on flexible and atypical employments., Employers in all regions with the exception of the Bratislava region can apply for funding. The target group is jobseekers who have been registered for at least three months. About 1,000 women are expected to get a job through this project. The financial contribution is granted for a maximum of 12 months, depending on the duration of the employment contract. The grant will cover up to 95 per cent of the total labour costs, however up to EUR 844 as a maximum, which is 1.2 times the minimum wage.

77. On the whole, EUR 11.05 million has been assigned for this project, which is scheduled to run until August 2022. Companies that create jobs for women can apply for grants at employment offices. This measure should create better opportunities for mothers to return to the labour market. The project has been supported by the ESF.

VIII. Violence against women

78. Despite the unexpected domestic violence increase during the pandemic, the SR has been slowly making progress on its path to preventing and eliminating violence against women.

A. Legislation

79. Since 2015, the victim protection has been strengthened by extending the original 48-hour period during which a violent person could be banned from entering the apartment or house or other premises co-habited with the person in danger to the current 10-day period, effective from 1 January 2016.⁶⁰

80. The most recent amendment to the Criminal Act No. 300/2005 Coll. in Section 208 and the amendment to the Act No. 372/1990 on criminal offences (date of entry into force: 1 1 2016) deals with the problem of repetition of an offence. In an event an act of violence made by the same offender has been classified as an offence (resulting in the imposition of a fine) and the same offender repeats the same or a similar act within the following 12 months, this second act will be investigated as an offence punishable under section 208 of the Criminal Code.

B. The Victims of Crime Act

81. On 1 January 2018, the new Act No. 274/2017 Coll. on Victims of Crime came into effect. This is a transposition of the European Directive 2012/29, which sets

⁵⁸ National project "Reconciliation of Family Life and Work," > MoLSAF SR(gov.sk).

⁵⁹ OP Human Resources, National project Reconciliation of work and family life, NP_Zosuladenie_RaP_zivota.pdf (gov.sk).

⁶⁰ Act No. 171/1993 Coll. the Act of the National Council of the SR on the Police Forces, Section 27a.

minimum standards in terms of rights, support and protection of crime activity victims. The Act also reflects on the requirements arising from the experience and builds on the latest knowledge in this field.

82. The Act “defines such terms as a victim of crime, in particular a vulnerable victim or domestic violence. Furthermore, it governs the rights of victims independently of the initiation of criminal proceedings, i.e. in particular the right to professional assistance, including legal assistance. The Victims of Crime Act also aims to regulate compensations to victims of violent crimes, as well as the establishment of a system for the provision of professional assistance by entities providing assistance and providing support to them”.⁶¹

83. The Act provides for the right to professional assistance (general professional assistance to a victim and specialised professional assistance to a particularly vulnerable victim). The general professional assistance comprises the provision of basic information, including legal information, psychological assistance, counselling on the prevention of secondary and repeated victimisation and assistance to victims in exercising their rights, whereas the specialised professional assistance is provided to particularly vulnerable victims comprising crisis intervention, risk assessment, social services, including shelter and general assistance services.

84. The Act also governs the rules on victim compensation. “An entitlement of a victim of a violent crime to compensation pursuant to this Act shall arise if a judgement or criminal order finding the perpetrator guilty of an offence by which the victim of a violent crime has been injured has become final in criminal proceedings, or a judgement acquitting the defendant of the charge due to a lack of his/her criminal liability due to the age or insanity, and the compensation due to injury to the victim of the violent crime has been fully paid otherwise.”⁶² The Act sets the upper limit on any compensation provided by the state up to 50 times the minimum wage in aggregate (as of 1 January 2021, the minimum wage is set at €623, therefore the upper limit of compensation will be €31,150.). The Act also aims to support organisations/NGOs providing services to victims of crime in order to ensure better services for victims. Organisations providing help can apply for accreditation at the MoJ SR.⁶³

C. National action plans for the elimination and prevention of violence against women

85. The Slovak Government has already adopted three action plans aimed to ensure a comprehensive and systematic solution to the issue of the violence against women, and the Gender Equality Department has been preparing a new action plan in cooperation with NGOs. The task of developing the Action Plan arises to the MoLSAF SR from the Resolution of the Government of the SR and the Action Plan will complement the National Strategy for Gender Equality for 2021–2027. The Government of the SR has also committed itself to the elimination, prevention and protection of victims of domestic violence in its Programme Declaration⁶⁴ and this

⁶¹ MoJ SR, General information, <https://www.justice.gov.sk/Stranky/Ministerstvo/Pomoc-obetiam/Uvod.aspx>.

⁶² The Victims Act, Section 11(1).

⁶³ See also MoJ SR, the Government has approved improved assistance for victims of crime, <http://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=3073>.

⁶⁴ Among other things, the Slovak Government in its Programme Statement committed to evaluate the existing legislation for the assistance to victims of crime, with a focus on the real and timely availability of legal and psychological assistance. It will also review the current legislation governing compensations for victims of violent crime.

commitment also emerges from a number of international treaties to which the government has acceded.

86. The Action Plan lays down the basis for the provision of the institutional support for women being victims of violence and their children. Areas in the field of implementation include strengthening the legal and strategic framework, supporting existing and establishing new affordable support services, training for professions dealing with violence against women, primary prevention, as well as monitoring and research. The task section of the action plan sets out very specific and targeted tasks to support women experiencing violence and their children.

D. Municipalities

87. Addressing the issue of violence against women effectively requires attention both at national and at regional/local levels. To this end, municipalities are encouraged to develop and implement regional action plans.⁶⁵

88. In 2010, the BSK initiated the establishment of a working group with the aim of addressing violence against women and establishing zero tolerance towards all forms of violence against women.⁶⁶ BSK has adopted the Regional Action Plan of the BSK for the Prevention and Elimination of Violence against Women for 2021–2023;⁶⁷ it has also developed a special social programme aiming to prevent and eliminate violence against women and their children.⁶⁸

E. Research, data and occurrence of violence against women

89. According to the Eurobarometer results from 2016, approximately 27 per cent of the Slovak population believed that the violence against women is not common in their country, and 3 per cent even believed that this type of violence actually does not occur in Slovakia at all.⁶⁹

90. According to IWFR survey, over 21 per cent of adult women have ever experienced violence from their life partners.⁷⁰ Therefore, the domestic violence and violence against women is an undesirable but relatively common phenomenon in Slovakia. More than one woman in three in Slovakia after having reached the age of 15 have experienced physical or sexual violence. 23 per cent of women experienced this from their partners and 22 per cent women experienced this from other persons.⁷¹ In a large number of cases, this occurs as a combination of various types of violence, and the violence may not always be noticeable even to those close to the person. Over

⁶⁵ The National Action Plan for the Elimination and Prevention of Violence against Women 2014–2019, page 7.

⁶⁶ Ibid. page 95.

⁶⁷ See [rap-bsk-na-roky-2021-2023.pdf](#) (bratislavskykraj.sk).

⁶⁸ Social programme of BSK, “Pomoc ženám, na ktorých je páchané násilie”, [Sociálny_program_2019_final.pdf](#) (bratislavskykraj.sk).

⁶⁹ Special Eurobarometer: Report: Gender- based violence, 2016, <http://ec.europa.eu/COMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2115>.

⁷⁰ IWFR: Filadelfiová, J. – Gerbery D. – Vittek, J.(2017) Representative survey of domestic violence in Slovakia. https://www.zastavmenasilie.gov.sk/resources/data/VySKUM_Pramenna- publikacia_Reprezentativny-vyskum-o-DN.pdf.

⁷¹ FRA (2014). EU-wide Survey on Violence against Women, <https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>.

the last ten years, the police have recorded 306 murders and killings of women, including 68 ones killed by their partners.⁷²

91. In addition, there has been a 40–70 per cent chance that a child of a mother, who has experienced partner violence, will also become a victim of physical, psychological and sexual violence; the child abuse is approximately 15 times more common in families where the violence occurs between close persons, according to various research.⁷³ Also men experience violence, but all five forms of violence are more likely to be experienced by women. Significantly higher number of women than men experience economic abuse, physical aggression and sexual violence. Women are more likely than men to report repeated victimisation and experiencing a combination of multiple forms of violence. The most frequent types of violence against women in Slovakia include violence perpetrated in a partner relationship and the sex-related violence. The occurrence of the sex-related violence against women after the age of 15 is 3.8 per cent.⁷⁴

92. In line with the relevant national action plan, the MoLSAF SR launched an education and information campaign on sexual violence in 2017 called – “Because I said no”. The aim of the campaign was to increase awareness of young people of the sexual violence issue and to reject it publicly. The campaign was prepared in response to the results of the 2016 Eurobarometer survey, according to which 47 per cent of Slovak respondents considered sexual violence or gender-based violence justified under certain circumstances. The campaign as well as other projects of the CMC are addressed at young people between 18 and 25, who often rely on social media as their source of information.⁷⁵

93. The results conducted by the EU FRA survey on violence against women (2014)⁷⁶ revealed that the SR is close to the EU average in terms of the occurrence of violence against women. The percentage of female respondents from the SR, who reported their own experience of physical or sexual violence from her partners at their adult age, was 23 per cent (EU average 22 per cent). However, only 8 per cent of women had contacted the police and just over a quarter (27 per cent) of women knew of at least one institution providing help to women experiencing violence. 40 per cent of Slovak women reported they have experienced sexual harassment in adulthood, whereas 22 per cent have experienced a more serious, i.e. non-verbal form of harassment.⁷⁷

F. Change in the situation with regard to COVID-19 pandemic

94. “Between 30 March and 14 June 2020, the CMC of the IWFR conducted weekly surveys of entities providing services to women being victims of violence, in order to determine how many female clients sought their services and how many of them needed an emergency accommodation. Number of organizations participating in the survey varied from week to week, ranging from 15 to 22 service providers located

⁷² Source: The MoI SR, Police statistics 2010–2019; own processing.

⁷³ Bell, C. (2008). Domestic Violence and Contact: 10 Reasons Why. Family Law, 38, 1139-1143.

⁷⁴ IWFR, Očenášová, Z. a Michalík, P.: Sexual violence against women - a report from the representative research; <https://www.zastavmenasilie.gov.sk/publikacie/>.

⁷⁵ The campaign aimed against the sexual violence called “BECAUSE I SAID NO”, <https://www.employment.gov.sk/sk/informacie-media/aktuality/kampan-proti-sexualnemu-nasiliu-pretoze-hovorim-nie.html>.

⁷⁶ European Union Agency for Fundamental Rights: Survey data explorer – Violence against women survey, <http://fra.europa.eu/DVS/DVT/vaw.php>.

⁷⁷ Directorate General for Internal Policies, Policy Department C: Citizens’ Rights and Constitutional Affairs Women’s Rights & Gender Equality, Gender equality policies in Slovakia, <http://www.europarl.europa.eu/supporting-analyses>, page 39.

across the country. On the whole, 1,251 women approached providers of these services during the period, including 362 new clients, i.e. women who had not previously used their services. An initial drop in the use of services by women experiencing violence at the beginning of the quarantine period was followed by a surge after Easter, which, with the exception of one week, continued into June. Whereas in the first week of April 3 women contacted an organisation in the average, this number had risen to 9 women by the beginning of June”.⁷⁸

95. In 2020, IWFR published the study called *Legal and Professional Framework for Establishing and Functioning of a Network of Intervention Teams*, where the author discusses the “crisis intervention procedures in the form of multi-institutional intervention in cases of domestic violence and violence against women”, noting that the cooperation of all institutions and actors involved in the field of domestic violence and violence against women has been repeatedly identified as essential to combat these phenomena efficiently.⁷⁹ It was published as part of the national project Prevention and elimination of gender discrimination OP EZ NP 2018 / 4.1.2 / 01.

96. Authors of the *Analysis of court decisions in cases of violence committed against women* published by IWFR⁸⁰ identified the most serious problems as, *inter alia*: the disproportionate length of criminal proceedings, the fact that the majority of sentencing decisions lacked proper reasoning, the fact that most perpetrators have been given sentences below or at the lower end of the penal range, or sentences are often suspended without sufficient victim protection measures.⁸¹

97. Within the context of the pandemic, it should be noted that schools have been closed for a long time (pupils are taught via on-line distance education) and parents/mothers are long-term in the caring for family member mode with their children, which puts women in a difficult position. In addition to caring for their children and family, housewives have to study with their children, thus substituting teachers and provide additional explanation of the curriculum, they suffer from lower income due to being in the caring for family member mode and, last but not least, they face a threat to their future employment position. We should not forget the fact that not every household has a computer/laptop or internet access to be able to carry out home education during a pandemic period. These manifestations of inequality and digital exclusion have been particularly strong for people living in excluded environments such as those living in marginalised Roma communities.

G. Educational activities

98. In March and April 2019 CMC conducted a series of trainings on violence against women and domestic violence for 147 first contact police officers in Trenčín. The aim of the training was to provide police officers, who are the first to come into contact with victims of violence against women and domestic violence, with comprehensive knowledge on this issue. The event was attended by experts from NGOs, who participated as external trainers.

99. Every November, the NGO called “Yes for Life” organises a campaign entitled “Domestic violence hurts everyone” with the aim to inform the general public about

⁷⁸ PR Data has confirmed that violence against women increased significantly during the coronavirus crisis, https://ivpr.gov.sk/wp-content/uploads/2020/06/TS_zistovanie_kr%C3%ADzov%C3%A9-ubytovanie_2020_final.pdf.

⁷⁹ Marián Filčík (for IWFR): *Legal and Professional Framework for the Establishment and Functioning of the Network of Intervention Teams. Baseline analysis*. ISBN: 978-80-7138-170-9.

⁸⁰ IWFR, Barbora Burajová, Zuzana Očenášová: *Analýza súdnych rozhodnutí v prípadoch násilia páchaného na ženách*, 2020. Bratislava. ISBN: 978-80-7138-172-3.

⁸¹ *Ibid.*

causes and consequences of violence against children, women and families, as well as about forms of assistance to victims. The campaign was accompanied by a benefit concert for people in need together with interactive lectures for secondary school students in the Žilina Region. A public fund-raising, the proceeds of which were donated to women experiencing violence and their children, to whom the organisation provides the professional assistance, was another activity of this campaign.⁸²

H. Funding of projects and organisations providing support to women experiencing violence

100. The Norwegian Financial Mechanism has supported the establishment of new asylum shelters and counselling centres. The establishment has led to the creation of 170 family units in new safe women's homes (the Council of Europe standards requires us to have 225 units). There are 14 entities accredited under the Victims of Crime Act⁸³ and 74 emergency housing facilities in Slovakia⁸⁴ (but not all of them meet the Council of Europe standards).⁸⁵ The MoLSAF SR has established a working group to prepare the funding set-up at the level of a new legal standard in order to set up systemic and sustainable funding for all crisis intervention services.

101. The MoJ SR provides financing to NGOs helping women experiencing gender-based violence as accredited entities in accordance with the Victims of Crime Act, namely with a contribution to organizations' operation and staff costs of legal and psychological assistance. In 2020 the support totalled EUR 195,612 for 5 accredited organizations working with victims of domestic violence, particularly women; in 2019 it was EUR 161,762 for the same organizations. The MoJ SR is currently preparing systematic financing for accredited intervention centres which will provide crisis intervention to victims of domestic violence.

IX. Trafficking and exploitation of human beings within the context of prostitution

102. The human trafficking crime has been included among the crimes against liberty and human dignity (Section 179) in the Criminal Code. In this context, the SR is also bound by international conventions on the protection of human rights and freedoms. The relevant legislation applies the definition of human trafficking as set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which is one of the three additional protocols to the UN Convention on Transnational Organised Crime.⁸⁶

103. Trafficking in human beings in the SR is the responsibility of the MoI SR. "There is the National Unit for Combating Illegal Migration of the Bureau of Border

⁸² *Áno pre život*, n.o.: Annual Report for 2019 available at <https://anoprezivot.sk/wp-content/uploads/2020/07/V%C3%BDro%C4%8Dn%C3%A1-spr%C3%A1va-AP%C5%BD-za-rok-2019.pdf> pg. 5.

⁸³ For the current list of entities providing assistance to victims of crime see the website of the MoJ SR <http://www.justice.gov.sk/Stranky/Ministerstvo/Pomoc-obetiam/Uvod.aspx>.

⁸⁴ A directory of social services can be found on the website of the MoLSAF SR: <https://www.employment.gov.sk/sk/centralny-register-poskytovatelov-socialnych-sluzieb/>.

⁸⁵ For more information see <http://www.kmotricky.sk/potrebujem-pomoc/> and <https://www.eeagrants.sk/en/news/call-dgv01-closure-domestic-and-gender-based-violence-programme-summary/>.

⁸⁶ Directorate General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs Women's Rights & Gender Equality, Gender equality policies in Slovakia, <http://www.europarl.europa.eu/supporting-analyses>, page 43.

and Foreign Police of the Presidium of the Police Force as a part of the Police Corps, which deals with the issue of human trafficking. Since 1 July 2013, the National Unit has been independently carrying out operational-search activities at the national level, acquiring knowledge and participating in the operational detection and investigation of the related criminal activity. The National Unit employs specialised investigators for this field and also provides and coordinates the cooperation with partnering foreign services in dealing with international organised crime related to trafficking in human beings; it also maintains relations with central government authorities as well as the third sector”.⁸⁷

104. One of the possible forms of support and assistance to victims of human trafficking is the possibility to include them in the Programme for the Support and Protection of Victims of Human Trafficking. Institutionally and in terms of funding this program is legally secured by the MoI SR. Its target group comprises persons, who have been trafficked whether in the territory of the SR or abroad. The MoI SR has established an Information Centre for Combating Trafficking in Human Beings and for Crime Prevention⁸⁸ and a National Helpline for Victims of Human Trafficking.⁸⁹

105. On 6 November 2018, the Government of the SR adopted the Fifth National Programme to Combat Human Trafficking for 2019–2023.⁹⁰ This is in particular based “on international commitments, as well as national needs for a coordinated approach to combating human trafficking. The National Programme focuses on a comprehensive and effective combating human trafficking, which promotes the development of the coordinated activity by all actors within the reduction of risks and preventing committing crimes of human trafficking as well as in creating conditions for providing support and assistance to victims and ensuring the protection of their human rights, freedoms and dignity, taking into account individual needs of each person.” The new national programme contains 21 tasks grouped into four pillars – prevention, protection, investigation and prevention.

106. In 2018, the Victims of Crime Act (Act No. 274/2017 Coll.) entered into force (see above). Pursuant to this Act, victims of human trafficking are particularly vulnerable victims who are entitled to obtain the professional assistance.

107. Statistical outputs regarding the number of persons charged with trafficking offence¹⁷ for 2015–2017 and the chart in the Annex 4 provide statistical outputs related to the number of persons accused of trafficking offences for 2015–2017.⁹¹

Statistical data related to investigated cases of human trafficking from 2015–2017

<i>Year</i>	<i>Number of identified cases</i>	<i>Number of solved cases</i>	<i>Number of accused persons</i>
2015	18	9	23
2016	25	14	34
2017	37	19	72

⁸⁷ The National Programme for Combating Trafficking in Human Beings for the years 2015–2018, page 5.

⁸⁸ <https://www.minv.sk/?informacne-centrum-na-boj-proti-obchodovaniu-s-ludmi-a-prevenciu-kriminality>.

⁸⁹ <https://www.iom.sk/sk/aktivity/boj-proti-obchodovaniu-s-ludmi/narodna-linka-0800-800-818.html>.

⁹⁰ Available at The Information Centre for Combating Trafficking in Human Beings and for Crime Prevention of the MoI SR ([minv.sk](https://www.minv.sk)).

⁹¹ The National Programme for Combating Human Trafficking for 2019–2023, Annex 2, page 29.

108. On 14 October 2016, an agreement was signed on the establishment of a joint investigation team between the SR and the United Kingdom under the name of the operation SYNOPSIS, with the aim of facilitating and improving the efficiency of investigations into organised crime groups. In February 2017, Slovak and British police jointly charged 11 people with the offence of human trafficking, including 10 Slovak citizens (6 men and 4 women) and one Pakistani citizen. A total of 12 Slovak victims, aged between 18 and 28, were identified.⁹²

109. The project aimed at assisting the victims of human trafficking was launched within the Caritas Slovakia in 2008 and it has been financed by the MoI SR since the beginning. The main goal of such work is to directly help victims with their reintegration into the society by providing comprehensive as well as long-term care. It also ensures assisted voluntary returns and pre-return assistance. Currently, the Caritas Slovakia operates also the National Helpline for Victims of Human Trafficking 0800 800 818. As a member of an Expert Group of the MoI SR, they are involved in systemic improvement of operation of the governmental Victims of Human Trafficking Support and Protection Programme. As a member of international RENATE and COATNET networks, they cooperate at an international level in the area of combating human trafficking. During this period of time the Caritas Slovakia has trained a number of people also directly in marginalized Roma communities. In 2019, it trained 12 Roma persons in Jarovnice who formed and trained other groups in the settlement during a period of six months. Those Roma trained about 200 persons in the settlement in Jarovnice and they now help other Roma people. The topic of violence against women was also discussed during the trafficking training sessions.

110. Disrespect of women and girls in the pornographic industry. Globally, the consumption of pornographic material has increased considerably during the COVID-19 pandemic. It is estimated that as many as 90 per cent of children aged 8–16 consume pornography on the internet every day.⁹³ With states' silent support of the spreading of such material, women and girls are facing serious sexual exploitation in the society.

A. Assistance and protection

111. The SR is obliged to build a comprehensive system of protection and assistance to victims of trafficking based on the principles of respect for human rights. Ensuring the fundamental human rights and dignity of victims of trafficking depends on their early identification. This is the reason why it is necessary to provide the timely identification of all victims of trafficking in Slovakia.⁹⁴

112. Services provided to victims include information on legal options of tolerated stay, residence permits or international protection, assisted voluntary return (including assistance and mediation before and after assisted voluntary return), financial support, social support, psychotherapeutic services, interpretation services, legal assistance, health services, retraining courses, safe accommodation. Services for victims included in the programme are funded from the budget of the MoI SR and are provided by NGOs on a contractual basis following a public procurement procedure. Furthermore, "in the assistance and support of victims, it is necessary to pay attention

⁹² The Resolution of the Government of the SR: National Programme for Combating Human Trafficking for 2019–2023, p. 17.17 See also the National Programme for Combating Human Trafficking for 2019–2023, pp. 16–17.

⁹³ See statistical data on misusing children, particularly girls: <https://ipcko.sk/zakazom-internetu-deti-pred-online-groomingom-neochranime/>.

⁹⁴ The National Programme for Combating Human Trafficking for the years 2019–2023, pp. 18.

to services provided to victims, as recently there have been number of cases of victims with insurance debts and psychological problems requiring permanent solutions. Many victims were homeless, which also requires a long-term solution to their situation in order to eliminate their repeated trafficking and victimisation. Due to the fact that this has been a dynamically evolving field of crime, it is necessary to adapt the communication between aid actors as well as between law enforcement agencies to this situation, not only at national level, but also at international level”.⁹⁵

113. The MoI SR assists victims through the Programme for Support and Protection of Victims of Human Trafficking.⁹⁶ NGOs participate in the provision of comprehensive care within the programme on a basis of contracts concluded with the MoI SR on the provision of funds from the state budget of the SR.

114. Assistance to victims of human trafficking is also mediated through the Information Offices for Victims of Crime, which are established by the Crime Prevention Department of the Office of the Minister of the Interior of the SR (by the MoI SR) in each regional city within the framework of the National Project “Improving Access to Services for Victims of Crime and Establishment of Contact Points for Victims” (hereinafter referred to as “Information Offices”). The Information Offices provide information and assistance to victims and potential victims of crime, including victims of human trafficking and this assistance is free of charge and discreet:

- Elementary information on the rights of victims of crime and on criminal proceedings procedures;
- Assistance in getting aware of options for dealing with situations related to the crime and its consequences;
- Mediation services and consultations with experts in the field of legal guidance and support, psychological and social counselling;
- Directing to specialised institutions providing follow-up professional assistance.

115. In the reported period (2020) the assistance through Information Offices was provided in 4 cases of the crime of human trafficking. In one case, a victim of human trafficking applied to Information Offices for assistance and was provided with legal guidance, support and psychological counselling. The client was informed about the Programme and referred to the CS for follow-up professional assistance; in two cases, these were whistle-blowers of the crime of human trafficking; in one case, a person related to a victim of human trafficking, who was provided with elementary information, information about the Programme and contacts to the Caritas Slovakia. All complaints were within the framework of the reporting obligation pursuant to Section 3 (2) of Act No. 301/2005 Coll. Criminal Procedure Code reported to the National Unit for Combating Illegal Migration of the Bureau of Border and Foreign Police.

116. For the needs of Information Office staff, a *Methodology for Information Offices for Victims of Crime focusing on the needs of victims of human trafficking* was also developed in 2020. The Methodology has been developed in cooperation with the members of the Expert Group on Combating Human Trafficking and in accordance with the Regulation of the MoI SR No. 144 of 10 December 2018 on the provision of the Programme of Support and Protection of Victims of Human Trafficking and the

⁹⁵ Ibid. page 2.

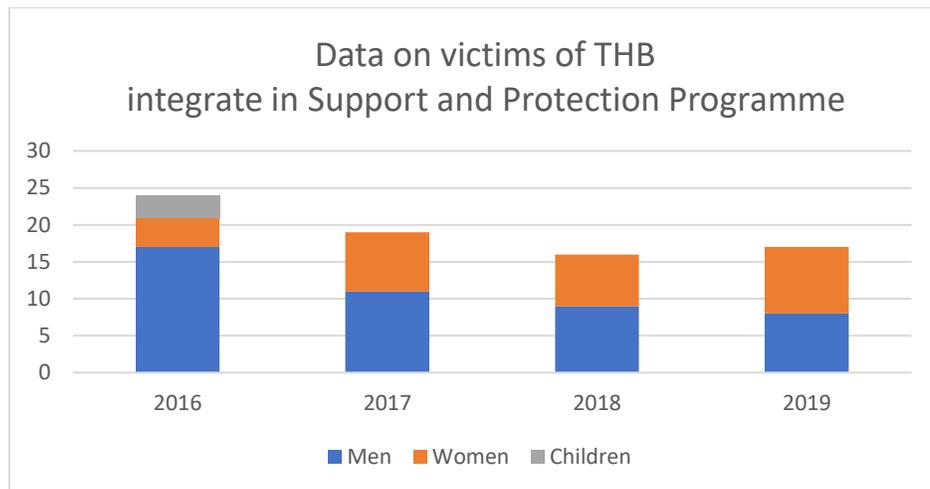
⁹⁶ Programme for the Support and Protection of Victims of Human Trafficking, [MoI SR \(minv.sk\)](http://MoI.SR(minv.sk)).

National Referral Mechanism in order to align the procedures of the Information Offices with those applied by other entities of the Programme.⁹⁷

117. In 2020, cooperating NGOs were networked to support and assist victims of crime.

118. In the following period, the Crime Prevention Department of the Office of the Minister of the Interior of the SR of the MoI SR will continue to build and operate the established platforms.

119. The information material called the “Compensation of victims of violent crimes” has been created in close cooperation with the Centre for Legal Aid to provide victims with elementary information that could help them in claiming compensation and damages from the state.



Based on the statistics (above) of the MoI SR, sexual exploitation occurred in 16 cases (3 (2016), 7 (2017), 2 (2018), 4 (2019)) and forced marriages in 4 cases (1 (2016), 1 (2018), 2 (2019)).⁹⁸

B. Legal assistance

120. Providing legal assistance to victims of crime, including victims of trafficking, is governed by the Victims of Crime Act, which enacts the provision of legal information and representation both in criminal and civil proceedings, including in relation to claims for compensation. Pursuant to the Article 7 of the Victims of Crime Act, the legal assistance is provided under the conditions laid down in a specific regulation.⁹⁹

121. In principle, the legal assistance can be provided to victims by accredited NGOs, such as the Human Rights League, which provided legal advice to asylum seekers placed in asylum facilities of the MoI SR. By the end of 2019, the Human Rights League implemented a project financed by EU from the Asylum, Migration and Integration Fund and by the MoI SR which included access to asylum facilities of the

⁹⁷ See Annex.

⁹⁸ For more information see http://www.minv.sk/?statistika_obchodovanie_s_ludmi.

⁹⁹ In practice, the CS provides legal counselling and representation in issues related to the rights and status of the victim on a basis of a contract with the MoI SR following a public procurement procedure for the implementation of the Programme for the Support and Protection of Victims of Human Trafficking. (See clauses 211–212).

MoI SR and legal consultancy and representation for asylum-seekers during asylum procedure.¹⁰⁰

C. Psychological assistance

122. The Victim Support Programme includes the provision of psychological counselling and psychotherapeutic services. The Caritas Slovakia, which has been authorized by the government to implement this program, employs a clinical psychologist, who examines each victim and makes an assessment of the victim's readiness for treatment. Psychotherapy and psychological sessions are provided by external providers, with whom the Caritas Slovakia or its partner organization, the Greek Catholic Church, has concluded agreements.¹⁰¹

D. Protection

123. The protection of victims of human trafficking is primarily provided through the Programme for Support and Protection of Victims of Human Trafficking, which is specifically set up for this type of victims and is therefore considered by the competent authorities to be more suitable and adapted to their needs than the witness protection system established pursuant to the Act No. 256/1998 on Witness Protection and on amendments and supplements to certain acts, as amended. A specialised unit has been established in the MoI SR, which is responsible for implementing witness protection measures under this law. Nevertheless, these measures have never been applied to victims and witnesses of trafficking. In cases where it is not possible to ensure the safety of victims or witnesses of crimes in any other way and there is a danger to the life or health of the persons concerned from perpetrators, who may have committed serious crimes punishable by life sentences, or from perpetrators who are involved in organised crime, the protection and the assistance shall be provided in accordance with the Act No. 256/1998 on Witness Protection, as amended. This protection may be extended to persons close to the witness. There is an internal document of the MoI SR (128/2010) with more detailed provisions on what forms the protection of victims and witnesses of crime can take.¹⁰²

E. Studies, cases, surveys

124. Since 2013, the National Unit has participated in four Joint Investigation Teams (JITs) together with the UK authorities. The first case, which began in 2013, concerned the trafficking of Slovakian women for sexual exploitation and forced marriage in the UK. The case was completed by 2017 and resulted in prison sentences for Slovak citizens ranging from 16 months to eight years. The second case, which has not been closed yet, began in 2016 and also relates to the sexual exploitation and forced marriages in the UK. The third case, which has not been closed yet, began in 2017 and relates to human trafficking for labour and sexual exploitation in the UK. The fourth joint investigation team, which is still operating, was established in 2017 and relates to human trafficking for labour exploitation in the UK. The second joint investigation team mentioned above finished in 2018, whilst 4 defendants were sentenced to prison terms ranging from 7 to 12 years. The latter two joint investigation

¹⁰⁰ Report on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in the SR, the Third Evaluation Round. At <https://www.minv.sk/?obchodsludmivset>.

¹⁰¹ Ibid. page 15.

¹⁰² Ibid. page 28.

teams continued their work in 2019. In June 2019, a fifth joint investigation team was agreed on between the UK and Slovakia in relation to trafficking Slovak nationals for forced labour in the UK.¹⁰³ GRETA welcomes the participation of the Slovak authorities in multilateral and bilateral international cooperation and encourages the Slovak authorities to strengthen the international cooperation in the field of protection of victims of trafficking.¹⁰⁴

F. Educational activities

125. The Information Centre for Combating Trafficking in Human Beings and for Crime Prevention has trained a number of experts involved in the implementation of the national mediation mechanism, including child protection and social services, of the Department of Traffic Police and Aliens Police, Ministry of Defence staff responsible for training soldiers deployed on missions abroad, staff of foster homes, educational institutions and psychological counselling centres, health professionals and NGOs.¹⁰⁵

126. In 2020, the IOM Slovakia, in cooperation with partner organizations La Strada in the Czech Republic and La Strada in Poland, implements the SAFE Work and Travel – Prevention of Human Trafficking project in SR, CZ and PL with the aim of raising public awareness of the risks of trafficking in human beings. Within the project, IOM and its partners will update the SAFE Travel & Work Abroad mobile app.¹⁰⁶

127. In the previous year, the Crime Prevention Department of the Office of the Minister of the Interior of the SR of the MoI SR implemented through a national project several educational activities.¹⁰⁷

X. Participation in political and public life

128. Women's political participation in Slovakia has been slowly growing.¹⁰⁸ In the 2016 elections to the National Council of the SR, 29 women deputies were elected, i.e. 19.3 per cent of the total number of representatives. This represented an increase by 5 women compared to the 2012 elections.¹⁰⁹ In the 2020 elections, this trend continued slowly with 32 women elected, making up 21 per cent of the National Council. At the same time, women accounted for 23.1 per cent of the total number of candidates, indicating their slightly lower success rate compared to men, also due to their lower position on the candidate lists.

129. The presidential election was a significant moment in 2019; it was won by Zuzana Čaputová, making her the first woman to hold the Slovak presidency. Also significant was the reconstruction of the government in 2018, after which the number of female members of the government was the highest in the history of independent

¹⁰³ Ibid. page 31, point 148.

¹⁰⁴ Ibid. points 148 and 152.

¹⁰⁵ See Spring Round of Training on Identification of Human Trafficking, <https://minv.sk/?aktuality-obchodovanie-s-ludmi&sprava=jarne-kolo-skoleni-k-identifikacii-obchodovania-s-ludmi>.

¹⁰⁶ Support for the project SAFE Work and Travel – Prevention of Trafficking in Human Beings in SK, CZ and PL; <https://iom.sk/sk/pre-media/28-aktivity/boj-proti-obchodovaniu-s-ludmi.html>.

¹⁰⁷ See Annex.

¹⁰⁸ See EIGE, “Power” in Gender Equality Index 2020, at <https://eige.europa.eu/gender-equality-index/2020/domain/power/SK>.

¹⁰⁹ Institute for Public Affairs, Political Participation of Women in Slovakia: Opportunities and Limits. 2018, p. 9.

Slovakia – 5, thus bringing Slovakia above the EU average. After the 2020 elections, 3 women occupied government posts.

130. On the other, hand, women have had a strong representation in the justice, where they are 1.7 times more numerous than men, according to the latest data.¹¹⁰ A fairly balanced composition can also be observed in the Supreme Court, where four colleges are headed by 2 men and 2 women.¹¹¹ However, in regard to the Constitutional Court of the SR, only 2 out of the 13 judges on the Constitutional Court are female.¹¹²

131. High differences also persist in the field of economic decision-making. There is not a single woman in the five-member Bank Board of the National Bank of Slovakia. Women hold 22.2 per cent of management positions in the largest listed companies, which is also above the EU average,¹¹³ where the average percentage of women in these positions is only 6.7 per cent.¹¹⁴ Slovak data indicate doubling of the share of women in decision-making positions over a short period of time – in 2016, only 11.4 per cent of senior executives in large companies were women.¹¹⁵

XI. Education

132. Currently, the sexual education is considered as an interdisciplinary subject. The MoED SR has developed a curriculum for a cross-cutting topic called “Education in Marriage and Parenthood”. The particular implementation of the subject is determined by individual schools and the schools supplement their education in this area with external lectures and programmes where necessary.¹¹⁶ The Gender Equality Department is working to include the sexual relationship education into the new curriculum being developed.¹¹⁷

133. There has been a major progress in the areas of desegregation, inclusion and access to high-quality education (mainly of children and specifically of girls from socially disadvantaged environment/MRCs). In 2020 there were several sessions of a working group of the MoED SR for drafting a legislative proposal of a definition (and assessment methodology) of segregation in education, comprising representatives of the MoED SR and directly managed organizations, Office of the Plenipotentiary of the Government for Roma Communities and experts from the non-governmental sector. The working group prepared a draft definition of segregation in education which would complement the segregation ban¹¹⁸. The legal definition of segregation is fully in line with the anti-discrimination doctrine with a relevant legal framework for sanctioning such practices. At the same time, the MoED SR is proposing an amendment the aim of which is to prevent pupils with a low degree of mental disability from being denied the right to complete lower secondary education (ISCED 2) during

¹¹⁰ Summary Report on the State of Gender Equality in Slovakia 2018, page 13.

https://www.gender.gov.sk/wp-content/uploads/2019/06/SSRR_2018-final.pdf.

¹¹¹ According to the Supreme Court of the SR, <https://www.nsud.sk/sudcovia-ns-sr/>.

¹¹² According to the Constitutional Court of the SR, <https://www.ustavnysud.sk/sudcovia>.

¹¹³ These data are from 2018, before the UK left the European Union.

¹¹⁴ Summary Report on the State of Gender Equality 2018, pages. 7 and 13.

¹¹⁵ Summary Report on the State of Gender Equality in Slovakia 2016, page 30, available on

https://www.gender.gov.sk/wp-content/uploads/2012/06/Sprava_RR_2016.pdf.

¹¹⁶ Detailed curricula developed by the MoED SR are available in Slovak at

https://www.statpedu.sk/files/articles/dokumenty/statny-vzdelavaci-program/vychova_k_manzelstvu.pdf.

¹¹⁷ See the comment of the Department to the Plan of reconstruction and resilience of the SR,

<https://www.slov-lex.sk/legislativne-procesy/-/SK/LP/2021/112/pripomenky/COO-2145-1000-3-4299754>.

¹¹⁸ Already contained in § 3 (d) of Act No 245/2008 Coll. on Education and Training (School Act) and on amendments and supplements to certain acts, as amended.

the period of compulsory education. After pupils pass external tests, they may study at secondary vocational schools. At the same time, it is proposing to introduce an obligation to respect the segregation ban when creating school districts for both elementary schools and kindergartens. The Ministry has undertaken to prepare a desegregation manual for directors and establishers by the end of 2021.

134. Transformation of the consultancy system includes separation of consultancy establishments from special schools. As a result, Roma pupils cannot be intentionally diagnosed with mental disabilities in order to be placed in special schools. Moreover, after procedural standards have been adopted, content-related and performance standards are being prepared which also include standardization of diagnostic procedures which will be binding for the establishments.

135. Amendment the School Act that brought a new provision on education and training of children and pupils from socially disadvantaged backgrounds entered into force on 1 January 2016. The amendment to the Education Act directly stipulates that “A child or a pupil whose special educational needs result exclusively from his/her development in a socially disadvantaged environment must not be admitted to a special school or a special class of a kindergarten, a special class of a primary school or a special class of a secondary school”.¹¹⁹ In practice, this is supposed to mean that the fact that a child comes from a socially disadvantaged background cannot automatically be a reason for his/her placement in a special school or class. The measure aimed at preventing segregation makes it compulsory to place children and pupils from socially disadvantaged backgrounds in classes together with other children.¹²⁰

136. Taking part in a good quality pre-primary education has a positive impact on later educational results as well as one’s position in the labour market and the social system. In case of disadvantaged children, this impact is even stronger than for the majority population.¹²¹

137. New legislation enacted on deaf children education has improved educational opportunities for deaf girls/women. Act No. 151/2017 Coll. amending the Act of the National Council of the SR No. 149/1995 Coll. on sign language for the deaf and amending Act No. 245/2008 Coll. on education and training (School Act) and on amendments and supplements to certain acts, as amended, defined a group of “deaf persons”¹²² and introduced their right to education in sign language.¹²³

138. The National Enlightenment Centre systematically addresses human rights issues of vulnerable groups, including the equality of women and men, equal opportunities, prevention of discrimination against women and prevention of all forms of violence, including violence against women and domestic violence, in the

¹¹⁹ Act No. 245/2008 Coll. the Act on Education and Training (School Act) and on Amendments and Supplements to Certain Acts, Section 107 (2).

¹²⁰ Public Ombudsman, The Report of the Public Ombudsman on the status of adoption of the previously proposed measures from 2013, 2014 and 2015 in the field of educational process in Slovakia with the aim of improving the protection and respect of fundamental rights and freedoms of persons, page 21, https://www.vop.gov.sk/files/EN_SPRAVA_VOP_vn%C3%BAatorny_audit_skolstvo.pdf.

¹²¹ MoF (2019) Review of spending on groups at risk of poverty and social exclusion: Interim report (Revision of expenses for groups threatened by poverty and social exclusion: Interim report), January 2019, <https://www.minedu.sk/data/att/14208.pdf>.

¹²² “For the purposes of this Act, deaf persons are persons who have been deaf since birth or who have lost their hearing before acquiring spoken language, and deaf persons and persons with serious hearing disabilities, whose hearing loss does not enable them, even with technical aids, to understand spoken language by ear so as to be able to communicate through spoken language without problems”.

¹²³ Sections 2, 4.

framework of regularly implemented informal training of employees in the field of cultural and educational activities and through the professional journal called the Social Prevention. The activity of the organisation primarily focuses on raising the awareness of cultural workers at regional and local levels, who work with diverse target groups and thus have the potential to contribute to the promotion and development of the rights of vulnerable groups at their place of work.

139. In the context of education, the 2019 amendment to the Education Act - effective from January 2021 is worth mentioning. It introduces compulsory pre-primary education for 5-year-old children and abolishes the possibility of postponing compulsory schooling or zero grades. The above-stated pre-school education means a strongly positive turn in lives of children from MRCs when transitioning to elementary schools and at the same time it may also reduce the number of children in special schools.

XII. Employment

140. The Labour Code bans discrimination of any kind. According to Section 119a (1) of the Labour Code “Wage and salary conditions must be agreed on without any discrimination based on gender”. Furthermore, “women and men alike have the right to equal pay for equal work or work of equal value.” and “where an employer applies a job evaluation system; this evaluation must be based on the same criteria for men and women without any discrimination based on gender.” However, the gender pay gap remains roughly the same, at around 19 per cent.¹²⁴

141. In 2018, the Act No. 63/2018 Coll. amending Act No. 311/2001 Coll. the Labour Code, as amended, and amending and supplementing certain acts, and Act No. 5/2004 Coll. on Employment Services and on amendments and supplements to certain acts, imposed an obligation on employers to disclose the amount of basic wage when advertising a job offer. At the same time, when negotiating an employment contract with an employee, it prohibits agreeing on a lower basic wage component than the amount of the basic wage component published in the job offer. The aim of the legislation is to contribute to salary transparency at least partially.

142. These sectoral differences between genders cause significant differences in average earnings between women and men. In 2019, the average gross nominal monthly salary for male workers averaged to EUR 1,399, compared to only EUR 1,116 for female workers. In 2019, the best earners were executives in finance and insurance, with the average gross nominal monthly salary of EUR 4,623. They were followed by executives in research and development and presidents and CEOs of companies and organisations, who earned an average of EUR 3,504 and EUR 3,425 per month respectively. Women in the same positions earned significantly less – only EUR 3 258, EUR 2 906 and EUR 2 981 respectively.¹²⁵

143. Women are more often among the low-income groups of employees, i.e. their hourly wages compared to men more often do not even reach 2/3 of the median hourly wage in the Slovak economy. It is also the case that with women, the basic salary

¹²⁴ See Slovak women earn one-fifth less than men, men’s lead shrinks but at a slow pace, <https://slovak.statistics.sk/wps/portal/ext/aboutus/office.activites/>.

¹²⁵ Statistical Office of the SR, Gender Equality 2020. Košice: Regional Office of the Slovak Statistical Office in Košice. 108pp. ISBN 978-80-8121-786-9.

accounts for a larger share of total earnings.¹²⁶ The difference is reflected in the paid bonuses, with women being paid 45 per cent lower bonuses than men.¹²⁷

144. Despite the very good educational level of women (which – in case of Slovakia – is even higher than that of men),¹²⁸ women do not achieve comparable earnings to men because the jobs that are more often chosen by women are financially less well rewarded. The gross hourly wage gap between men and women in Slovakia has long been above the EU average – 28. In 2018, unadjusted, it reached 19.4 per cent. According to data from the Statistical Office of the SR, in 2019, the average gross monthly wage of women was 20.2 per cent lower than that of men,¹²⁹ with a 12 per cent smaller gap in the 25–30 age group, whereas higher differences are visible particularly in higher age categories.¹³⁰

145. Women and men experience poverty and social exclusion differently.¹³¹ Women are at greater risk of poverty, especially single mothers and older women. Wage and salary differences, together with other labour market disadvantages for women,¹³² reduce women's lifetime savings and pensions,¹³³ leading to a higher risk of poverty in later life and the consequent feminisation of poverty at old age.¹³⁴ The risk of poverty increases when combined with other disadvantaging factors such as age, health disadvantage, ethnicity, household composition, but also origin, i.e. in particular migrant women are disadvantaged.

146. One of the steps to reduce the risk of poverty was the adoption of Constitutional Act No. 422/2020 Coll. amending the Constitution of the SR, approved by the National Council of the SR on 9 December 2020, with effect from 1 January 2023, with which the basic provisions in Art. 39 par. 3 to 5 relating to the right to adequate material security in old age shall be modified and amended. As of 1 January 2023, within the meaning of the Constitution of the SR, the inability to engage in gainful activity due to long-term care for a child during the statutory period after the birth of the child must not have a negative impact on adequate material security at old age. At the same time, it has been embodied into the Constitution of the SR that everyone has the right to decide that part of the tax paid or part of the payment made in connection with participation in the system of adequate material security in old age shall be

¹²⁶ SBA, Women's Entrepreneurship in the regions of the SR, 2019, available at https://www.npc.sk/media/uploads/files/Podnikanie_%C5%BEien_v_regi%C3%B3noch_SR_eTZyVPi.pdf.

¹²⁷ Statistical Office of the SR, Slovak women earn one-fifth less than men, men's lead shrinks but at a slow pace. <https://shorturl.at/dhxzN>.

¹²⁸ In the academic year 2018/2019, in the I. and II. degree of university education there were 5655 graduates, where 3693 were women, which corresponds to more than 65.31% of all graduates. As for the III. degree of the university education, there were 3570 graduated PhD students, where 2640 were women, which is almost 74%. Centre for Scientific and Technical Information of the SR, Statistical Yearbook - summary tables. https://www.cvtisr.sk/cvti-sr-vedecka-kniznica/informacie-o-skolstve/statistiky/statisticka-rocenka-publikacia/statisticka-rocenka-suhrne-tabulky.html?page_id=9603.

¹²⁹ Statistical Office of the SR, Structure of wages in the SR in 2019, page 10.

¹³⁰ Statistical Office of the SR, Press release 18.9.2020. According to the Profesia portal, the wage gap between men and women at the same positions reached 9% in 2019 (Profesia.sk portal, Press release 7.3.2019).

¹³¹ Human Development Reports (undp.org) a Slovakia | Work | 2020 | Gender Equality Index | EIGE (europa.eu).

¹³² In particular, the high proportion of women out of economic activity, the more frequent and longer interruptions in their working careers, the low pay for their work and the higher burden of women's unpaid work.

¹³³ Trexima, Labour Price Information System 2018.

¹³⁴ See also SME Žena, Women are poorer than men in Slovakia, say analysts, 21 June 2020, available on <https://zena.sme.sk/c/22430661/zeny-su-na-slovensku-chudobnejsie-ako-muzi-tvrdia-analytici.html>.

provided to the person who raised him/her and to whom the material security at old age is provided.

147. This situation is even more serious in areas where more disadvantages culminate. Roma communities suffer from multiple disadvantages caused by poverty and social exclusion. Their members are perceived through their ethnicity, which exposes them to further discrimination. In addition, Roma women face stereotypes that are stronger in Roma communities compared to the majority population.¹³⁵ Thus, if Slovak society as a whole has long shown large gaps in labour market status between women and men, these gaps are even deeper in the Roma population.¹³⁶ “The paid work rate for Roma people aged 20–64 was 43%, which is well below the EU average of 70% in 2015. The situation of young people is considerably worse: in the average, 63% of the Roma aged 16–24 were unemployed; they did not participate in the education or training at the time of the survey, compared to the EU average of 12% for the same age group. In case of this age group, the results also indicate a significant gender gap, with 72% of young Roma women being unemployed, not taking part in any education or training compared to 55% of young Roma men”.¹³⁷

148. The multiple disadvantages of women living in MRC are confirmed by administrative data. A review of expenditure on groups at risk of poverty or social exclusion has shown that, despite the better educational performance of girls compared to boys, the gender gap in employment rates is more pronounced within MRC than outside of MRC.¹³⁸ The review also showed that new mothers with the MRC background are much more likely to be ineligible for the childbirth allowance than in the majority population, which may be related to access to outpatient healthcare in gynaecology and obstetrics and access to obstetric facilities.

149. Reasons for lower wages of women vary. Women continue to choose jobs that pay less such as school, nursing or other care work more often than men. The good news is that teachers’ salaries have recently increased and a special work allowance was approved for health workers during the COVID 19 pandemic. These measures have not yet had measurable results in terms of reducing the gender pay gap. The Gender Equality Strategy aims, *inter alia*, to reduce the gender income gap; to reduce horizontal and vertical segregation in the labour market and the evaluation of work in over-feminized sectors; to value the unpaid work adequately and make its economic contribution visible, including by reflecting it in pension levels; promote the equitable sharing of domestic and caring responsibilities between partners; improve the implementation of measures to reconcile family life and work through legislative and non-legislative instruments, to introduce financial compensation for parents caring for children and other dependants, for employed parents in the event of parental separation, and to adequately reward those working in low-wage professions.¹³⁹

¹³⁵ The traditional image of a man as the breadwinner, who is hard-working and earns money for the family and is the basic authority for the children and the whole family, prevails in the perception of the characteristics of a proper Roma man.

¹³⁶ FRA, Second European Union Survey on Minorities and Discrimination: Roma - Selected Results, 2016, available on <https://fra.europa.eu/sk/publication/2020/druhy-prieskum-europskej-unie-tykajuci-sa-mensin-diskriminacie-romovia-vybrane>.

¹³⁷ Second European Union Survey on Minorities and Discrimination: Roma people – selected results, page 10.

¹³⁸ MoF of Slovakia, “Vulnerable groups”, available at <https://www.mfsr.sk/sk/financie/hodnota-za-peniaze/revizia-vydavkov/ohrozene-skupiny/>.

¹³⁹ National Strategy for Gender Equality and Equal Opportunities 2021–2027, page 40.

150. Women have not been participating equally in economic decision-making. In 2018, 22.2 per cent of women and 77.8 per cent of men were on the boards of the largest listed companies (CEOs and directors).¹⁴⁰

151. Caring for children, other family members or looking after the household remain the main reasons for women's low participation in the labour market. According to available data, about 10 per cent of women aged 15 to 64 are inactive in terms of paid working for this reason, and this percentage has only been declining very slowly.¹⁴¹ Women, who want to return to work face lack of suitable childcare facilities. Recently, the number of places in kindergartens has slightly increased. In September 2020, there were 8,605 more children accepted to kindergartens than in September 2015, which corresponds to an increase of 5.4 per cent.¹⁴² Slovakia has the lowest rate of placement of children under 3 in formal childcare or formal education. The amendment to the Act No. 448/2008 Coll. on social services, which entered into force on 1 March 2017, regulated the care of children up to three years of age as part of social services. The SR is preparing to introduce a legal entitlement to nursery care for all children aged 3 and above.

152. Ever more fathers go on parental leave. Since the introduction of this measure in 2011, the number of fathers on parental leave has doubled every year. In proportion to the number of born children, less than 5 per cent of fathers were on maternity leave in 2015. In the first half of 2019, it was already around 25 per cent. The main motivation seems to be the higher amount of maternity pay and the possibility of working alongside maternity leave, as fathers can continue to run their business or find a new job while on maternity leave. Although the number of fathers on maternity leave has increased significantly in recent years, it is not possible to determine from this figure how many fathers have actually taken over the full care of the children and the household from mothers.¹⁴³

153. *The Gender Equality in the Workplace* project (see *supra*), supported by the European Social Fund and the European Regional Development Fund, was launched in 2020. The main objective of the project is to improve conditions for reconciling work and family life and increasing the employment of persons with parental responsibilities, in particular women.¹⁴⁴

154. In the period 2018–2020, the Office of the Government Plenipotentiary for Roma Communities implemented the National Project called “Support for pre-primary education of children from MRC”. (NP PRIM I).¹⁴⁵ Since November

¹⁴⁰ Summary Report on the State of Gender Equality in Slovakia 2018, https://hsr.rokovania.sk/data/att/166144_subor.pdf.

¹⁴¹ European Commission (2018), Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (the “Barcelona objectives”), page 11, <https://ec.europa.eu/transparency/regdoc/rep/1/2018/EN/COM-2018-273-F1-EN-MAIN-PART-1.PDF>.

¹⁴² Centre for Scientific and Technical Information of the SR, Statistical Yearbook – kindergartens, https://www.cvtisr.sk/cvti-sr-vedecka-kniznica/informacie-o-skolstve/statistiky/statisticka-rocena-publikacia/statisticka-rocena-materske-skoly.html?page_id=9602.

¹⁴³ Zuzana Dančíková (2020), Even men can't have everything. Maternity pay for fathers and mothers starting work) MoF SR, Institute for Financial Policy, commentary 26 June 2020.

¹⁴⁴ MoLSAF (2020), PR Gender equality in the workplace, <https://www.employment.gov.sk/sk/ministerstvo/projekty/narodny-projekt-rodova-rovnost-pracovisku/tlacove-spravy/rodova-rovnost-pracovisku.html>.

¹⁴⁵ Office of the Plenipotentiary for Roma Communities, TCM as a flexible tool to mitigate differences, Adoption of the TCM in Practice. https://www.minv.sk/swift_data/source/romovia/publikacie/Docasne%20vyrovnavacie%20opatrenia%20ako%20flexibilny%20nastroj%20zmiernovania%20rozdielov.pdf.

2020, the planned second phase (until 2023) of NP PRIM II. began to be implemented.¹⁴⁶

155. In November 2020, a second stage of the project (NP PRIM II.) started to be implemented where in addition to continued TCM application in selection of teaching and professional staff also new work positions of “parent assistants” were created whose role is *inter alia* to improve the cooperation of kindergartens and families and to work with families in the natural environment of marginalized Roma communities. For these as well as other work positions, the Office of the Plenipotentiary of the Government of SR for Roma Communities applies preferential employment of Roma applicants, thus contributing to increasing the employment of Roma men and women.

156. Reconciliation of family life and work has also been indirectly supported by the following acts. Including the Act No. 95/2017 Coll., which introduced a ban on retail sales during public holidays, certain non-working days and Easter Sunday, which is a non-working day. This is a total of 15 days a year plus a half day on 24 December.¹⁴⁷ The Labour Code permits work to be carried out on these days only exceptionally.¹⁴⁸ The reason for the amendment in question was that many employees working in shops are unable to spend time with their families during the holidays.¹⁴⁹

157. Another change was brought about by amendment of the Labour Code – Act No. 380/2019 Coll. amending Act No. 311/2001 Coll. the Labour Code, as amended. This Act has extended the length of basic leave to five weeks also for employees, who have not reached the age of 33 yet but have been permanently caring for a child.¹⁵⁰ This has now been a generally accepted social standard for employees in other EU Member States as well as a common employee benefit for many employees in the SR.¹⁵¹

158. Sectors with significant prospects for regional and local development and for employment include the social economy, which, through its entities – social enterprises, creates jobs for disadvantaged and vulnerable groups of the population, strengthens social and territorial cohesion, promotes active citizenship, solidarity and an economy with democratic values putting people first. On 13 March 2018, the Act No. 112/2018 Coll. on the Social Economy and Social Enterprises and on Amendments and Supplements to Certain Acts, as amended (Act No. 112/2018 Coll.) was approved and entered into force on 1 May 2018. The Act No. 112/2018 Coll. defines the social economy sector, defines social economy entities, social enterprise, disadvantaged persons and vulnerable persons, as well as other concepts in the field of social economy. A disadvantaged person within the meaning of this Act is, *inter alia*, any person older than 50; a person who lives as a single adult with one or more dependants or takes care of at least one child before the end of compulsory school attendance; a person belonging to a national minority or an ethnic minority; a person with a disability; a natural person returning to the labour market after the end of maternity leave or after the end of parental allowance (for more information see Section 2 (5) and (6) of Act No. 112/2018 Coll.). The Act thus takes into account disadvantaged and vulnerable groups of persons and their inclusion in the labour market.

¹⁴⁶ See Annex.

¹⁴⁷ Labour Code, Section 94 (5).

¹⁴⁸ Labour Code, Annex 1a (6).

¹⁴⁹ Another supporting reason for this legislative change was the practice in many other EU countries. For more information see the explanatory report <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=433981>.

¹⁵⁰ Labour Code, Section 103 (2) and (3).

¹⁵¹ See the explanatory report, <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=470001>.

XIII. Health

159. The right to protection of health is one of the most important rights for everyone because it has an immediate impact on the quality of existence of a natural person. In the SR human life and health are protected as fundamental human rights by many legal regulations, particularly the Constitution of the SR, acts in the area of healthcare, e.g. Act No. 576/2004 Coll. on healthcare and healthcare-related services and on amendments and supplements to certain acts, as amended (hereinafter referred to as the “Act No. 576/2004 Coll.”), Act No. 577/2004 Coll. on the scope of healthcare reimbursed from public health insurance and payments for services connected with the provision of healthcare and on amendments and supplements to certain acts, as amended¹⁵² (hereinafter referred to as the “Act No. 577/2004 Coll.”), Act No. 578/2004 Coll. on healthcare providers, health professionals, professional organisations in healthcare and on amendments and supplements to certain acts, as amended (hereinafter referred to as the “Act No. 578/2004 Coll.”).

160. Health-related legislation is based on the premise of provisions of the Constitution of the SR, particularly Article 40: “Everyone shall have the right to protection of his or her health. The citizens shall have the right to free health care and medical equipment on the basis of medical insurance under the terms to be laid down by law”.

161. In accordance with Section 11 (8) of Act No. 576/2004 Coll., in relation to healthcare provision everybody has the right to protection of dignity, respecting the bodily integrity and mental integrity and to a humane, ethical and dignified approach of healthcare workers.

162. The institute of informed consent is defined in Section 6 of Act No. 576/2004 Coll. The above-stated Section of the Act generally says that attending healthcare workers are obliged to inform about the purpose, nature, consequences and risks of any provision of healthcare as well as to provide clear and considerate instruction without any pressure and with a possibility and sufficient time to freely decide for informed consent and appropriate intellectual and will maturity and health condition of the person they are to instruct.

163. Guarantee of rights of natural persons in the provision of healthcare is comprehensively regulated in the Slovak legislation. If they are violated, there is a mechanism in the SR to protect them through an independent Health Care Surveillance Authority the competence of which is governed by Act No. 581/2004 Coll. on health insurance companies and healthcare supervision and on amendments and supplements to certain acts, as amended, and through independent judiciary.

164. According to the Gender Equality Index 2019, Slovakia scores 85.8 in the field of health, which means an increase of 2.3 points since 2005 (+0.5 points since 2015). The gender equality has improved in terms of their health and access to health services.¹⁵³

A. Situation of health care staff at times of pandemics

165. Healthcare sector was hardly hit by the COVID-19 pandemic. In such an unprecedented situation it was necessary to implement pandemic measures in order to limit the spread of the disease and to protect the health of the population as well as to create such conditions in healthcare facilities where it will be possible to take care

¹⁵² <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/577/20210413>.

¹⁵³ Gender Equality Index 2019 Slovakia, <https://op.europa.eu/sk/publication-detail/-/publication/98329c8b-e8e1-11e9-9c4e-01aa75ed71a1>.

of all patients safely. Healthcare workers had to be prepared to cope with high numbers of patients with an infectious disease which was unknown at that time, while still looking after other patients. By treating high numbers of patients in hospitals healthcare workers were overloaded, what could have been reflected in their physical and mental condition. The long-term unfavourable situation with a lack of healthcare workers was emphasized even more during the pandemic. Maternal morbidity and mortality and preventable neonatal deaths

166. As for neonatal deaths in Slovakia, statistical data shows that the proportion of neonatal deaths (without a minimum limit regarding gestation period or birth weight) per 1,000 live-born children was 3.3 in 2015, 2.9 in 2016 and 3.0 in 2018. Compared to 2016, neonatal death rate was 3.5. We may thus state that neonatal death rate in Slovakia has dropped only a little in the last 15 years.

B. Ensuring appropriate and safe procedures during childbirth

167. In order to strengthen positive impacts on the health of women and children and reflecting medicine-based evidence and the Convention on the Rights of the Child we are including the area of promoting breastfeeding and bonding through a Baby friendly hospital initiative. The initiative started to be implemented in Slovakia in 1992 with support of UNICEF. In the meantime, the support was gradually decreasing. Reflecting new WHO/BFHI 2018 guidelines, the MoH SR has taken over the auspices in this area and is implementing a National BFHI Initiative project.¹⁵⁴ The national project has created a platform for comprehensive solution of the issue and it has become an efficient and progressive tool in adopting measures with an impact on healthcare legislation,¹⁵⁵ standard procedures¹⁵⁶ in medical science and care, budgets, related policies, proactive cooperation of the MoH SR with management of hospitals, positive influencing of education of healthcare workers, etc. The platform provides possibilities of systemic assessment of implementation of the set measures and of monitoring the development and quality of the provided healthcare to women and children. On the basis of continuous questionnaire assessments and performance of clinical audits in hospitals we can see a positive increase in implementation of BFHI principles and in the quality of healthcare in the SR.

C. Artificial interruption of pregnancy

168. According to legally stipulated conditions, women in Slovakia may undergo artificial interruption of pregnancy. Artificial interruption of pregnancy is governed by Act of the Slovak National Council No. 73/1986 Coll. on Artificial Interruption of Pregnancy¹⁵⁷ and it is also contained in decrees and in the Healthcare Act. Everybody in the SR is entitled to select a healthcare provider with exceptions defined in the legislation.

169. Women may undergo artificial interruption of pregnancy on their request without stating a reason while complying with legislative conditions such as the duration of pregnancy. However, artificial interruption of pregnancy may also be performed when healthy development of the foetus is in danger or for health reasons

¹⁵⁴ <https://www.health.gov.sk/Clanok?mzsr-chce-obnovit-certifikaty-bfhi>.

¹⁵⁵ Section 9b through 9d of Act No. 578/2004 Coll. on healthcare providers, health professionals, professional organisations in healthcare and on amendments and supplements to certain acts, as amended <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/578/20210119>.

¹⁵⁶ <https://www.standardnepostupy.sk/standardy-bfhi/>.

¹⁵⁷ <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1986/73/20111201>.

of the woman. Any woman who is younger than sixteen may undergo artificial interruption of pregnancy in accordance with conditions governed by law with consent of her legal representative or of the person in whose custody she is. The woman is supposed to receive an instruction which should contain information about the artificial interruption of pregnancy itself, its risks, foetal development, alternatives to artificial interruption of pregnancy and subsequently the woman gives an informed consent with artificial interruption of pregnancy. Artificial interruption of pregnancy is not reimbursed from public health insurance with the exception of cases of artificial interruption of pregnancy for lawfully defined health reasons. Confidentiality is ensured for women undergoing artificial interruption of pregnancy since in accordance with a special regulation all employees of the medical facilities are obliged not to disclose any facts they have learnt of in relation to the artificial interruption of pregnancy, to ensure confidentiality and to protect legitimate interests of the woman.

D. Assisted reproduction

170. Assisted reproduction is possible in the SR. Under certain circumstances it is reimbursed from public health insurance in accordance with the law. Not more than three cycles of assisted reproduction are reimbursed from public health insurance for women younger than 39 in cases defined by the law.¹⁵⁸

E. Conscientious objection

171. The current legislation of the SR enables healthcare workers to exercise conscientious objection. Exercising conscientious objection enables healthcare workers to fully exercise the right to freedom of conscience and personal belief regarding protection of an unborn human life. It is regulated in the Healthcare Act (Act No. 576/2004 Coll.) and in the Act on healthcare providers, health workers and professional organizations in the health (Act No. 578/2004 Coll.). The right of healthcare workers to exercise conscientious objection is also explicitly governed in the Code of Ethics of Healthcare Workers forming Annex 4 to Act No. 578/2004 Coll.

172. Conscientious objection does not represent any major obstacle in the access to artificial interruption of pregnancy, while it enables to maintain an appropriate level of personal freedom and integrity of doctors and institutions.

F. Legislative regulation of the medical service of sterilisation as a form of birth control

173. The priority of the SR is an equal access to available and high-quality healthcare for all citizens including observance of all human-rights aspects. The national legislation fully incorporates all rights of patients in accordance with the international legislation and conventions.

174. The SR has adopted systemic, legislative and other practical measures to ensure performance of sterilisations as a medical service and method of birth control which women may use at their own request. The institute of informed consent has been introduced.

¹⁵⁸ https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/777/20180901#prilohy.priloha-priloha_c_2_k_nariadeniu_vlady_c_777_2004_z_z.oznacenie.

175. The medical procedure of sterilisation is defined in Section 40 of the Health Care Act (Act No. 576/2004 Coll.) as the prevention of fertility without removing or damaging a person's reproductive organs. The conditions for sterilisation are defined in a special, effective and systematic manner in the same Act. Sterilisation may only be performed based on a written request, which a person submits to the provider performing the sterilisation and written informed consent after prior instruction of a person who is legally competent, or the legal representative of a person incapable of giving informed consent, or based on a court decision at the request of their legal representative. Instruction preceding the informed consent must be provided in the manner stipulated by the referenced Act and must include information on alternative birth control and family planning methods, a possible change in life circumstances which led to the request for sterilisation, the medical consequences of sterilisation as a method aimed at irreversibly preventing fertility and the possible failure of sterilisation. Sterilisation cannot be performed in less than 30 days after informed consent. Legislation contains templates of informed consent in the official language and the languages of national minorities.

176. Sterilisation is recommended in the SR for medical reasons after repeated Caesarean sections under lawfully determined conditions. Medical procedures from a catalogue of procedures performed during sterilisation are reimbursed from the public health insurance if it is necessary for maintaining the health of the person.¹⁵⁹

177. Since NGOs indicated suspected illegal and forced sterilisations in the past, the MoH SR created in 2003 a group of experts who had a task to discover facts in relation to the suspicions. Investigation was performed by national as well as international teams of several human-rights organisations with a conclusion that performance of such practices and procedures was not proved in the SR. It was discovered that those were cases of insufficient appropriate informing of women about the act of sterilisation and about irreversibility of the act. As stated above, the institute of informed consent has been introduced and a possibility to perform sterilisation only 30 days after the informed consent was given has been determined by law.

178. A state contributory organisation "Healthy Regions" performs numerous activities in marginalized Roma communities with an aim to raise awareness of health, increase health literacy and improve access to healthcare. Healthy Regions are implementing a project where they are improving the conditions of healthcare provided to Roma women directly at gynaecology-obstetrics departments through their trained employees.

G. Marginalized Roma communities

179. In accordance with Section 21 (5) (b) of the Act of the National Council of the SR No. 523/2004 Coll. on budgetary rules of public administration and on amendments and supplements to certain acts and in accordance with Section 45 of Act No. 576/2004 Coll., the MoH SR has issued a decision on establishing a state contributory organisation "Healthy Regions".

180. Healthy Regions have created a room to perform measures in competence of the MoH SR implementing temporary balancing measures focused on improvement of the health situation of socially excluded groups. The model of a contributory organisation brings a possibility of a comprehensive, systemic and long-term solution of the situation of disadvantaged groups in the area of health at the national level.

¹⁵⁹ https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/777/20180901#prilohy.priloha-priloha_c_2_k_nariadeniu_vlady_c_777_2004_z_z.oznacenie.

One of the main and key activities in this area is implementation of EU-funded national projects (OP Human Resources).

181. The goals of Healthy Regions include in particular: reducing barriers in access to healthcare (including increasing the accessibility of healthcare services and awareness of MRC members in the area of healthcare and prevention), increasing health literacy (including raising MRC members' awareness of healthcare), improving health-related behaviour (mainly decreasing the risk related to their lifestyle).

182. One of crucial activities in this respect is implementation of a national project Healthy Communities, Implementation of Health Support Assistants in Hospital Environment which started in 2017 and it represents one of overarching measures focused on improvement of availability of common healthcare services for members of MRCs.

183. The above-stated activity is performed through an additional service. The role of HSAHs is to work with patients from MRCs during their stays in hospital facilities, primarily at gynaecology-obstetrics and paediatric departments.¹⁶⁰

184. Healthy Regions in cooperation with the Family Planning Society have elaborated a methodology for education about reproduction rights where the participants receive information also about family planning and about information awareness in this area of MRCs. Healthy Regions have also prepared education for health support assistants in Healthy Regions which will permit for the use of knowledge from the area of reproduction health also to increase the number of interventions such as visiting a gynaecologist, preventive gynaecological check and visiting a maternity consultancy session provided by the gynaecologist.

XIV. Strengthening economic position of women

185. Several important legislative changes have been made in the field of social security. The Constitutional Act No. 99/2019 Coll., which amended the Constitution of the SR, introduced the existing minimum wage into the Constitution.¹⁶¹ With effect from 1 July 2019, the maximum retirement age and the reduction of the retirement age for raising children were also enshrined in the Slovak Constitution. The age of 64 was set as a pension upper limit, i.e. the age required to qualify for adequate material security in old age must not exceed 64. Women who have brought up children are entitled to an appropriate reduction of the retirement age under certain conditions. A woman, who has brought up one child, is entitled to a reduction of 6 months, if two children, 12 months, and if three or more children, she is entitled to a reduction of 18 months in her pensionable age. In accordance with the amendment to the Constitution of the SR, which will enter into force on 1 January 2023, the so-called pension ceiling will be deleted from the Constitution of the SR.

186. Several other legislative changes, in particular a change in the calculation of the pension amount, resulted in higher retirement pensions.¹⁶² The minimum pension in 2020 was EUR 334.30 compared to EUR 269.50 in 2015. The financial situation of pensioners also improved slightly thanks to the state social benefit "13th pension",

¹⁶⁰ See Annex.

¹⁶¹ <https://akts.sk/minimalna-mzda-dochodkovy-vek-zakotvene-v-ustave-sr/>. The minimum wage amounted to EUR 520; in 2020 it was EUR 580 and in 2021 it is EUR 623. For more in English see <https://www.socpoist.sk/old-age-pension-/51389s>.

¹⁶² The amendment to Act No. 461/2003 Coll. on Social Insurance, as amended, stipulates that the amount of the pension was calculated as 33% of the amount of the average monthly earnings for the calendar year preceding two years of the particular calendar year.

which was paid to pensioners in the SR for the first time at the end of 2020.¹⁶³ The amount of the 13th pension ranges from EUR 50 to EUR 300. For each pensioner, the amount of the 13th pension is determined individually according to the amount of his/her pension or the aggregate of the amounts of pensions, based on the principle of solidarity of society with pensioners, who have low pensions. The lower the amount of the pension or the sum of the amounts of pensions that the pensioner is paid each month, the higher the 13th pension will be.¹⁶⁴

187. Although the financial situation of elderly people in Slovakia has generally improved, senior women are still significantly worse off than men. At the end of January 2020, the average monthly old-age pension amounted to EUR 477.14. This is EUR 20.94 more than in the same period of 2019. At the end of January 2020, male pensioners were paid the average of EUR 526.29 per month, while the amount of pensions for women was almost one hundred Euro lower. Women were paid the old-age pension averaging EUR 428.46 a month. At the end of January 2019, the average monthly old-age pension was EUR 505.67 for men and EUR 406.98 for women.¹⁶⁵

188. Within the economic status of women, the parental allowance has been increased from EUR 220 to EUR 270 or EUR 370 per month, depending on whether the parent previously received maternity pay for the child for whom the parental allowance is claimed. This change is effective from 1 January 2020.

Disadvantaged and marginalised groups of women

Multiple discrimination

189. Multiple discrimination is not expressly prohibited by law in Slovakia. There are no legal regulations or judiciary which would expressly deal with the situations of multiple discrimination; however, the Anti-Discrimination Act does not prohibit filing a suit for more than one reason. In its Section 2 (1), the Anti-Discrimination Act does not mention an express ban on multiple discrimination in the list of prohibited reasons for discrimination. Article 9 stipulates that the right to file a suit to the court results from violation of the equal treatment principle itself, not necessarily from discrimination for one reason. However, courts have not dealt with any case of multiple discrimination so far.¹⁶⁶

190. The concept of multiple discrimination *expressis verbis* sometimes appears in political documents but its use is more theoretical and it does not propose or implement particular measures.

Roma women

191. A legislative change in the area of housing rights for women from Roma communities has been made. The Act No. 153/2017 Coll. amending Act No. 330/1991 Coll. of the Slovak National Council on Land Arrangements, Land Ownership

¹⁶³ The Act No. 296/2020 Coll. on the 13th pension and on amendments and supplements to certain acts.

¹⁶⁴ *Ibid.*, paragraph 3.

¹⁶⁵ Headquarters of Social Insurance Agency reports “The average pension rose by almost EUR 21 year-on-year in January”, <https://www.socpoist.sk/aktuality-priemerny-dochodok-v-januari-medzirocne-vzrastol-o-takmer-21-eur/48411s68285c>.

¹⁶⁶ Durbáková, V., (2020), Country Report, Non-discrimination, Slovakia 2020, European Network of Legal Experts in Gender-equality and Non-discrimination, page 21 in EUROPEAN COMMISSION, Directorate- General for Justice and Consumer. Country report. Non-discrimination. Transposition and implementation at national level of Council Directives 2000/43 and 2000/78. Slovakia. <https://www.equalitylaw.eu/downloads/5261-slovakia-country-report-non-discrimination-2020-pdf-1-66-mb>.

Arrangements, Land Offices, Land Fund and Land Communities, as amended, and amending and supplementing certain acts significantly simplified land settlement within Roma dwellings.

192. Land settlement in Roma dwellings has several advantages for the inhabitants of Roma villages, in particular the development of the area, including the possibility of new construction. Following such a settlement, the municipality can introduce common facilities and infrastructure.¹⁶⁷

Women and girls with disadvantages

193. On 2 December 2015, the first Commissioner for Persons with Disabilities and the first Commissioner for Children was elected in Slovakia. The positions of the Commissioners were established by Act No. 176/2015 Coll. on the Commissioner for Children and the Commissioner for Persons with Disabilities and on amendments and supplements to certain acts. The Commissioner for Persons with Disabilities is expected to participate in the protection of persons with disabilities by promoting and enforcing the rights granted to them by international treaties which are binding for the SR, i.e. the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities.

194. Anyone may address the Commissioners on issues falling within their mandate.¹⁶⁸ In the Commissioners Act it is explicitly stated that this right is also guaranteed to persons with disabilities who lack full legal capacity or have been deprived of legal capacity and that legal representation on their part is not required.¹⁶⁹

195. According to the report, in the period 2016 – 2019 the Office of the Commissioner for Persons with Disabilities dealt with more than 1,800 complaints of violations of the UN Convention on the Rights of Persons with Disabilities, including complaints regarding violations of Article 6 of the Convention – women with disabilities.¹⁷⁰

196. According to the report of the Commissioner for Persons with Disabilities, as far as the accessibility of housing is concerned, the change in legislation allowed for the installation of wheelchair lifts or other minor adaptations in the common areas of apartment buildings without the consent of other apartment owners. The accessibility of housing for people with disabilities can be increased not only through debarring and renovation but also through the provision of an independent living support service. Only five entities provided this service and 51 clients used it in 2015.¹⁷¹

197. As far as the inclusive education for pupils with disabilities in primary schools is concerned, physical barriers are a major obstacle to inclusive education for pupils with disabilities. Only special schools providing education to pupils and students with disabilities tend to be barrier-free.

¹⁶⁷ See also Guide to land settlement in municipalities with Roma settlements at https://www.minv.sk/swift_data/source/romovia/publikacie/Sprievodca%20vysporiadanim%20po zemkov%20v%20obciach%20s%20romskymi%20osidleniami.pdf.

¹⁶⁸ Act No. 176/2015 Coll. Act on the Commissioner for Children and the Commissioner for Persons with Disabilities and on amendments and supplements to certain acts, Articles 8(3) and 2(3).

¹⁶⁹ Ibid., Art. 8(4).

¹⁷⁰ The Office of the Commissioner for Persons with Disabilities, Report on the activities of the Commissioner for Persons with Disabilities for 2020, <https://www.komisarprezdravotnepostihnutych.sk/Zverejnovanie/Spravy-o-cinnosti>.

¹⁷¹ Ibid. pages 107–108.

Migrant, refugee and asylum-seeking women

198. In 2020, 282 persons applied for asylum, including 21 women and 261 men. Out of total number of applicants, 11 asylums were granted.¹⁷² The number of stateless persons in Slovakia remains unclear as no identification mechanism has been introduced.¹⁷³

199. There are two police detention facilities for foreigners, including asylum seekers, in Slovakia. Single women and men are usually detained in the Medveďov police detention facility in western Slovakia. The police detention facility in Sečovce in eastern Slovakia is mainly used for families with children and other vulnerable persons. A foreigner can be detained for a maximum of six months, which can be repeatedly extended. The total period must not exceed 18 months. Asylum seekers cannot be detained for longer than 6 months unless they pose a security risk. Families with children, regardless of whether they have applied for asylum, can also be detained for a period of six months.

200. Persons who have been granted asylum and foreigners who have been granted subsidiary protection have the same rights on the labour market in Slovakia as Slovak nationals. The Slovak government has taken measures to facilitate access to the labour market also for asylum seekers, reducing the period of entry into the labour market for asylum seekers from one year to nine months after the date of filing an asylum application (provided that they have not received a decision on their asylum application within the time limit). Nevertheless, persons who have been granted asylum, subsidiary protection holders who are foreigners and asylum seekers in Slovakia face difficulties in having their graduation, qualification and skills recognised, which makes their entry into the labour market difficult.

201. Slovakia has committed to help people who have had to flee their homes in their home country to demonstrate its contribution to the solution of the European migration crisis in 2015 and 2016. In 2015, Slovakia accepted 149 Assyrian Christians from Iraq who were resettled to Nitra within the framework of a project coordinated by the non-profit organisation *Peace and Goodness* with the support of the Diocese of Nitra and the MoI SR. By the end of 2017, 16 asylum seekers had been relocated from Greece to Slovakia.

202. The Centre for Legal Aid represents migrants in asylum cases, foreigner detention proceedings and administrative expulsion proceedings if they make a statutory declaration that they have no money to pay for other legal representation services.¹⁷⁴

203. In 2018, the project called *Development of Recommended and Standard Practices for the Performance of Prevention and Early Intervention within the Issue of Migration of Third-Country Nationals* was launched. The project has been financed by the Asylum, Migration and Integration Fund (AMIF) and the MoH SR. The main objective of the project is to create recommended and standard procedures for disease prevention and intervention for the early detection, diagnosis and treatment of diseases in relation to migration of third country nationals. The project pays a lot of

¹⁷² Statistics (2020), MoI SR. <https://www.minv.sk/?statistiky-20>.

¹⁷³ Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 32nd Session SLOVAKIA.

¹⁷⁴ G R E T A Group of Experts on Action against Trafficking in Human Beings: Evaluation Report SR. Third evaluation round. Access to justice and effective remedies for victims of trafficking in human beings. 2020. Council of Europe, Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings, page 15.

attention to the health needs of vulnerable groups of people such as under-age girls, pregnant women and victims of trafficking, torture and violence.¹⁷⁵

Transgender and intersex women

204. The topic of discrimination LGBTI is dealt with in more detail by the Committee for Rights of LGBTI persons which is a permanent expert body of the Council of the Government of the SR for Human Rights, National Minorities and Gender Equality for issues related to LGBTI persons. As part of the Committee's activities, negotiations were also under way with the MoH SR and MoI SR regarding changes in legislation on gender reassignment conditions in accordance with the latest medical knowledge and international treaties governing human rights and freedoms to which Slovakia is bound.

205. The MoH SR is implementing a project of creation of SPDTP. Recently, experts have proposed creating SPDTP for treating and managing gender incongruence.

XV. Marriage and family relations

206. During the monitored period, nothing has changed in family law regarding matrimonial property and provisions regarding divorce.

207. Provisions of matrimonial law do not apply to cohabitation, the cohabitation of partners without marriage. Which means that "in the event of a separation, this may have very negative consequences on a weaker party. All household and family chores, which are done by a woman during cohabitation are generally considered voluntary. Any made investments may be recovered in civil court in case they can be evidenced. In the event that cohabitation ends, the apartment or house remains with the person who owns/occupies it. In case the female spouse has occupied a flat, of which the other partner is the tenant or owner, she is in danger of ending up on the street with her children in the event of a lawsuit, as she has no right to the flat or house and no right to housing compensation. If the flat belongs to the woman and the man has not acquired any right of occupancy, the woman can apply to the court to evict the flat and have the man evicted, or she can evict the man's belongings from the flat".¹⁷⁶

208. Number of children entrusted to alternate care has been gradually increasing. In 2017, in 8.57 per cent of the total number of custody decisions judge decided on the alternate custody.¹⁷⁷

¹⁷⁵ SK 2018 AMIF SC2.1 project. For more information see the Annual Report on Migration and Asylum in the SR in 2018 Report of the National Contact Point of the European Migration Network for the SR IOM – Office in the SR.) Bratislava. 2019 page 48.

¹⁷⁶ IWFR (CMC), Separation of de facto unions, available at: <https://www.gender.gov.sk/zastavmenasilie/pomoc/rozvod/rozchod/>.

¹⁷⁷ Sabina Demovičová, Equivalence of post-divorce models of childcare with a focus on the evolving presumption of alternating and joint personal care at the international level at https://www.najpravo.sk/clanky/rovnocennost-porozvodovych-modelov-starostlivosti-o-malolete-dieta-so-zameranim-sa-na-rozviyajucu-sa-prezumpciu-striedavej-a-spolocnej-osobnej-starostlivosti-na-medzinarodnej-urovni.html?print=1#_ftn4.