



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

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the combined fifth and sixth periodic reports of Slovakia\*

1. The Committee considered the combined fifth and sixth periodic reports of Slovakia ([CEDAW/C/SVK/5-6](#)) at its 1359th and 1360th meetings, on 12 November 2015 (see [CEDAW/C/SR.1359](#) and 1360). The Committee's list of issues and questions is contained in [CEDAW/C/SVK/Q/5-6](#) and the responses of Slovakia are contained in [CEDAW/C/SVK/Q/5-6/Add.1](#).

#### A. Introduction

2. The Committee appreciates the submission by the State party of its combined fifth and sixth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Permanent Representative of Slovakia to the United Nations Office and other international organizations in Geneva, Fedor Rosocha, and included representatives of the Ministry of Labour, Social Affairs and Family, the Ministry of Foreign and European Affairs, the Ministry of Education, Science, Research and Sport, the Ministry of the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, the Ministry of Justice and the Permanent Mission of Slovakia to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's fourth periodic report ([CEDAW/C/SVK/4](#)) in undertaking legislative reforms, in particular the amendment to the Anti-Discrimination Act in

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\* Adopted by the Committee at its sixty-second session (26 October-20 November 2015).



2012, which entered into force in 2013 and introduced the use of affirmative action on the grounds of sex and gender for private entities and public bodies.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of a national strategy and national action plan for gender equality and a national action plan for the prevention and elimination of violence against women, all for the period 2014-2019.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, in 2008, the State party has ratified or signed the following international instruments:

(a) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2012;

(b) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), in 2011;

(c) Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in 2010.

## **C. Principal areas of concern and recommendations**

### **Parliament (National Council)**

**7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### **Definition of gender discrimination and gender equality**

8. The Committee welcomes the amendment of the Anti-Discrimination Act to explicitly define sexual harassment as a form of discrimination and introduce affirmative action on the grounds of sex and gender. The Committee remains concerned, however, that the amendment did not introduce a substantive change to the basic provisions of the Act. The definition of discrimination as "any action or omission where one person is treated less favourably than another person" and the principle of equal treatment provided under the Act are not consistent with the principle of substantive equality on the grounds of sex, as defined in articles 1 and 2 of the Convention.

**9. Reiterating the recommendation in its previous concluding observations (CEDAW/C/SVK/CO/4, para. 9) the Committee recommends that the State party review the Anti-Discrimination Act in order to eliminate any form of discrimination against women in all areas covered by article 2 of the Convention, in line with its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.**

### Access to justice and remedies

10. The Committee notes the positive steps taken by the State party to facilitate women's access to justice, including the establishment of a legal aid centre and a national commission for human rights and the amendment of the Anti-Discrimination Act, which has shifted the burden of proof to the defendant, increased the maximum threshold below which legal aid is granted and provided for public interest litigation. The Committee is concerned, however, at the low level of compliance with and enforcement of the Act, in particular:

(a) That sex-based and gender-based discrimination is rarely addressed by the courts, redress in cases of discrimination is not adequate for women and girls, especially in the case of Roma and other disadvantaged groups of women, and women and girls do not trust the effectiveness of judicial remedies and fear potential stigmatization and revictimization;

(b) That affordable and good-quality legal aid remains inaccessible for many women. The expanded coverage of free legal aid notwithstanding, judicial fees are high, the shift in the burden of proof is not consistently implemented by the courts and judicial proceedings tend to be delayed.

**11. In line with the Committee's general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Design a comprehensive policy to eliminate institutional, social, economic, technological and other barriers faced by women in obtaining access to justice, in particular for Roma women and other disadvantaged groups of women who are disproportionately affected by intersecting forms of discrimination;**

(b) **Expedite legal reform to improve the efficiency and effectiveness of judicial proceedings and ensure adequate redress for women who are victims of sex-based or gender-based discrimination and of violations of their human rights under the Convention.**

### National human rights institution

12. The Committee notes that the "B" status accreditation of the National Centre for Human Rights was renewed in March 2014, but remains concerned that the Centre's funding is not secured and does not guarantee sufficient human, technical and financial resources to ensure the effective enforcement of the Anti-Discrimination Act, including the provision of legal aid and legal representation, and that its political independence is not sufficiently safeguarded.

**13. The Committee recommends that the State party:**

(a) **Expedite the adoption of the planned amendment to the legislation on the National Centre for Human Rights in order to increase the Centre's effectiveness and enhance its political and budgetary independence and its capacity to proactively provide legal assistance or legal representation in cases of discrimination and violence against women, including sexual violence and harassment;**

(b) **Allocate sufficient human, technical and financial resources to the Centre;**

**(c) Enable the Centre to monitor the examination of cases regarding women's rights and intersecting forms of discrimination.**

**National machinery for the advancement of women**

14. The Committee notes that, in 2012, the Ministry of Labour, Social Affairs and Family was assigned the function of the central State administration body for gender equality and the Department of Gender Equality and Equal Opportunities became responsible for the coordination of national policy on gender equality and non-discrimination. The Committee welcomes the increased human and financial resources for the Department and the creation of a grant scheme in 2012 to support the activities of non-governmental organizations promoting gender equality. Nevertheless, the Committee is concerned about:

(a) The level of political authority and coordination capacity of the Department, in particular for the management of the national strategy for gender equality for the period 2014-2019;

(b) The high level of dependency of the Department's funding on European structural funds and other bilateral partners, which may not guarantee the long-term sustainability of the implementation of the strategy, the decline in funds allocated for non-governmental organizations and the lack of clear eligibility criteria.

**15. The Committee recommends that the State party:**

**(a) Strengthen the decision-making capacity and authority of the Department of Gender Equality and Equal Opportunities in order to enhance its coordination role and capacity in the implementation of the national strategy for gender equality for the period 2014-2019;**

**(b) Ensure the sustainability of the strategy by increasing the funding for the Department provided from the national budget;**

**(c) Set clear and transparent eligibility criteria based on international human rights standards, including the Convention, for the funding of non-governmental organizations and monitor the impact with regard to the promotion of gender equality and the enjoyment of women's rights.**

**Temporary special measures**

16. The Committee notes that the amendment to the Anti-Discrimination Act enabled not only public institutions but all legal entities, including private companies, to take affirmative action and expanded the scope of affirmative action to address disadvantages resulting from gender discrimination. The Committee is, nevertheless, concerned that the affirmative action taken under the Act reflects a limited understanding and application of the concept of temporary special measures in the State party.

**17. The Committee recommends that the State party adopt temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, for all areas of the Convention in which women are underrepresented or disadvantaged.**

### **Stereotypes**

18. The Committee notes with concern:

(a) That discriminatory stereotypes regarding the roles and responsibilities of women and men in society and in the family are deeply rooted in the State party and that women continue to bear a disproportionate share of family and household responsibilities;

(b) That there have been vigorous campaigns by non-State actors, including religious and civic organizations, the media and politicians, advocating traditional family values, overemphasizing the roles of women as mothers and caretakers and criticizing gender equality as “gender ideology”.

19. **The Committee urges the State party:**

(a) **To carry out awareness-raising and education initiatives for both women and men on the sharing of domestic and family responsibilities between women and men;**

(b) **To strengthen its efforts to take effective and proactive measures, such as awareness-raising campaigns and public statements by high-level government authorities, to promote the understanding of gender equality in line with international human rights standards, and counter efforts made by any actors to downplay or degrade the pursuit of gender equality by labelling such measures as ideology.**

### **Violence against women**

20. The Committee welcomes the launch of a national 24-hour helpline for women who are victims of violence and a series of amendments to laws that penalize stalking and forced marriage and give effect to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse under national jurisdiction. However, the Committee notes with concern:

(a) The long delays in adopting comprehensive legislation on violence against women, including domestic violence, and in ratifying the Istanbul Convention;

(b) The underreporting of violence against women by victims, the low numbers of prosecutions and convictions of perpetrators and the limited application of protection orders by the police, in particular in cases of sexual violence;

(c) The lack of a coordinated system for preventive measures and victim assistance, including the provision of shelters and legal, medical and psychological assistance, in cases of gender-based violence against women;

(d) The prevalence of gender-based violence and harmful practices against women, including the sale of women or forced marriage, in particular among Roma women living in segregated environments.

21. **Recalling its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party:**

(a) **To expedite the enactment of the law on the prevention and elimination of violence against women and domestic violence, in line with the Istanbul Convention, and ratify that instrument, ensuring a gender-specific**

approach to those issues, and ensure the active and meaningful participation of women's rights organizations, in particular those working for disadvantaged and marginalized groups of women, in the implementation and monitoring of the law;

(b) To ensure that perpetrators of violence and harmful practices against women are prosecuted and punished with sanctions commensurate with the gravity of the crime, effectively enforce and monitor compliance with protection orders against perpetrators of domestic violence and ensure that the duration of such orders is sufficient to adequately protect the women concerned;

(c) To ensure that women who are victims of violence have adequate access to protection and assistance, including by ensuring that there are sufficient State-funded shelters throughout the territory of the State party, and raise awareness among women and the general public of the criminal nature of violence against women, including domestic and sexual violence, with a view to encouraging women to report incidents of violence against them;

(d) To adopt and effectively implement a targeted programme to eliminate gender-based violence and harmful practices perpetrated against Roma women and girls and collect statistical data on all forms of gender-based violence, including domestic violence, disaggregated by sex, age, ethnicity or minority status and relationship between the victim and the perpetrator, undertaking surveys and research on the extent of violence against women in the State party and its root causes.

#### **Trafficking and exploitation of prostitution**

22. The Committee notes the creation of a programme to support and protect the victims of trafficking in persons and the establishment of an information centre on efforts to combat trafficking in persons and crime prevention in 2008, but notes with concern:

(a) The ineffective identification of victims of trafficking in persons and the lenient sentencing of perpetrators, including many suspended sentences;

(b) The lack of comprehensive disaggregated data on sexual exploitation, including forced prostitution;

(c) The greater vulnerability of Roma women and girls to trafficking, including internal trafficking, for the purposes of sexual exploitation.

23. **The Committee recommends that the State party:**

(a) **Strengthen efforts aimed at the early identification of victims of trafficking and at victim assistance;**

(b) **Ensure the prosecution and adequate punishment of perpetrators of trafficking-related crimes, commensurate with the gravity of the crime;**

(c) **Conduct studies and surveys on the prevalence of the exploitation of prostitution and include in its next report updated information and data thereon;**

(d) **Strengthen efforts to address the root causes of trafficking and forced prostitution, in particular of Roma women and girls, by increasing educational and alternative income-generating opportunities, thereby minimizing their vulnerability.**

#### **Participation in political and public life**

24. The Committee notes the high level of representation of women in the judiciary, including at the highest level, but is concerned at the low level of representation of women in the parliament and in the Government at both the national and local levels and the underrepresentation of women in high-ranking positions in the diplomatic service.

25. **The Committee recommends that the State party:**

(a) **Take sustained measures, with specific goals and timetables, to accelerate the increase in the number of women in political and public life, in particular in decision-making positions, and monitor their achievement;**

(b) **Adopt measures, including temporary special measures, such as statutory quotas, to promote the equal representation of women and men in the parliament and political parties, in high-level positions in the public administration at the national and local levels and in the diplomatic service, paying special attention to women belonging to ethnic minority groups.**

#### **Education**

26. The Committee notes that legislative measures have been taken to prohibit discrimination in education and that the national action plan for gender equality for the period 2014-2019 is aimed at promoting women's studies in science and technology. The Committee is concerned, however, about the persistent gender segregation in education, the low level of participation of women and girls in mathematics, science and technology studies and the low level of representation of women in teaching positions in higher education. It is also concerned about the limited age-appropriate education on sexual and reproductive health and rights in school curricula. The Committee is also deeply concerned about the segregation of Roma children in special schools and/or in special classes in mainstream schools and the segregation of children with disabilities, including girls, in special schools and/or in special classes.

27. **The Committee recommends that the State party:**

(a) **Adopt measures, including temporary special measures, to promote non-traditional educational choices of women and girls in fields such as mathematics, science and technology and to accelerate the appointment of women to the highest positions in academic institutions;**

(b) **Provide education on sexual and reproductive health and rights, which is age-appropriate and based on scientific evidence and international human rights standards, to girls and boys, as part of the regular school curricula, and include information on responsible sexual behaviour and the prevention of early pregnancy and sexually transmitted infections in such curricula and build the capacity of teaching staff to deliver such education;**

(c) **Eliminate the segregation of Roma girls in the education system, provide them with equal access to high-quality education at all levels and take effective measures to retain them in school and increase their attendance at the primary and secondary levels through temporary special measures and support;**

(d) **Accord priority to the inclusive education of children with disabilities, including children with intellectual and psychosocial disabilities, by reviewing relevant legislation and policies to explicitly recognize inclusive education as a right of children with disabilities and allocate the technical, human and financial resources necessary to provide reasonable accommodation for them to study in mainstream classes at mainstream schools.**

### **Employment**

28. The Committee notes the amendment to the Labour Code in 2011 to provide for the equal treatment of women and men in employment and an increase in the representation of women on corporate boards, but is concerned:

(a) That significant horizontal and vertical gender segregation exists in the labour market, including the persistently low representation of women compared with men in economic decision-making positions, such as on the supervisory board of companies and in executive positions, and that the size of the gender pay gap remains large, women's high levels of education notwithstanding;

(b) That the lack of effective measures to promote the reconciliation of work and family life constitutes a barrier to women's access to employment, in particular for mothers with young children;

(c) That the employment rate among Roma women is exceptionally low, in particular for Roma women living in segregated and separated settlements;

(d) That many public and private actors have not adopted temporary special measures to facilitate the participation of women in the labour market;

(e) That the protection of women from sexual harassment and discrimination in the workplace remains inadequate, especially because the labour inspectorate lacks adequate tools to handle such cases.

29. **The Committee recommends that the State party:**

(a) **Eliminate horizontal and vertical segregation between women and men in the labour market and close the gender pay gap, including by adopting temporary special measures and enhancing efforts to encourage women and girls to select non-traditional educational and vocational choices and career options, in particular in the areas of science and technology;**

(b) **Enhance measures to achieve the equal and full participation of women in decision-making in the economic sphere, in particular on the management and supervisory boards of public and private companies;**

(c) **Review its labour and social security legislation to promote the equal sharing of parental responsibilities between women and men;**

(d) **Strengthen labour inspections and the sanctioning of discriminatory practices by employers based on pregnancy and following parental leave,**

**encourage men to opt for paternity leave and flexible working arrangements, raise awareness among employers, in particular private employers, of the advantages of promoting gender equality in the workforce and provide affordable and high-quality childcare facilities throughout the State party;**

**(e) Encourage the adoption of temporary special measures by both public and private entities to promote women's access to the labour market, in particular for Roma women, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25;**

**(f) Ensure the effective implementation of measures to prevent, monitor and adequately remedy sexual harassment and discrimination in the workplace by strengthening the role of the labour inspectorate.**

### **Health**

30. The Committee is concerned:

(a) That the adoption of a comprehensive programme on sexual and reproductive health and rights has long been pending, even though rates of teenage pregnancy and infant mortality are high and the incidence of sexually transmitted infections, including HIV, is increasing;

(b) That the costs of modern forms of contraception for the purpose of preventing unintended pregnancies and abortion on request are not covered by public health insurance;

(c) That an amendment to the Healthcare Act in 2009 introduced a mandatory 48-hour waiting period, compulsory counselling and, in the case of girls under 18 years of age, parental consent before abortion, as well as the duty of doctors to report each case of a woman seeking abortion to the National Health Information Centre with personal details;

(d) That, in more than one third of districts, legal abortion is unavailable and in four of those districts as a result of the conscientious objections of health-care institutions;

(e) That oversight procedures and mechanisms for ensuring adequate standards of care and respect for women's rights, dignity and autonomy during deliveries are lacking and options for giving birth outside hospitals are limited;

(f) That Roma women are segregated from other patients in maternity hospitals.

31. **The Committee recommends that the State party:**

**(a) Adopt and implement, without further delay, a comprehensive programme on sexual and reproductive health and rights, which is in line with the Convention, the Committee's general recommendation No. 24 (1999) on women and health and international human rights and World Health Organization standards; allocate sufficient human, technical and financial resources for the implementation of such a programme; conduct research to identify the root causes of the high rates of infant mortality and teenage pregnancy and of the increase in sexually transmitted infections; and ensure the free, active and meaningful participation of women's organizations, in particular those working on women's sexual and reproductive health and**

**rights, in the development, implementation and monitoring of such a programme;**

**(b) Revise relevant legislation and ensure universal coverage by public health insurance of all costs relating to legal abortion, including abortion on request, and modern contraceptives for the prevention of unwanted pregnancies;**

**(c) Revise the Healthcare Act, as amended in 2009, to ensure access to safe abortion and remove the requirement for mandatory counselling, medically unnecessary waiting periods and third-party authorization, in line with the recommendations of the World Health Organization;**

**(d) Ensure unimpeded and effective access to legal abortion and post-abortion services to all women in the State party, including by ensuring mandatory referrals in cases of conscientious objections by institutions, while respecting individual conscientious objections;**

**(e) Ensure that information provided by health-care professionals to women seeking abortion is based on science and evidence and covers the risks of having or not having an abortion, to ensure that women are fully informed and can take autonomous decisions;**

**(f) Ensure the confidentiality of the personal data of women and girls seeking abortion, including by abolishing the requirement to report the personal details of such women and girls to the National Health Information Centre;**

**(g) Put in place adequate safeguards to ensure that women have access to appropriate and safe childbirth procedures that are in line with adequate standards of care, respect for women's autonomy and the requirement of free, prior and informed consent;**

**(h) Monitor and sanction the segregation of Roma women in hospitals and clinics, including maternity hospitals.**

32. The Committee welcomes the adoption of binding regulations by the Ministry of Health in its decree No. 56 of 23 October 2013, detailing the procedures to be undertaken to ensure the free, prior and informed consent of the woman concerned before a sterilization is carried out and requiring the distribution of sample forms of informed consent in the national language and in the languages of national minorities. Nevertheless, the Committee remains concerned:

**(a) That there is no systematic monitoring of the implementation of decree No. 56 and other relevant legislation on the prohibition of forced sterilization;**

**(b) That Roma women are unaware of their rights and the ways to seek redress in the case of sterilizations without informed consent, including those that occurred in the past;**

**(c) That some cases of forced sterilization have been pending in the national courts for long periods, which indicates the inability of the justice system to provide appropriate, effective and gender-sensitive remedies in a timely manner.**

**33. The Committee recommends that the State party:**

(a) **Systematically monitor public and private health centres, including hospitals and clinics, that perform sterilization procedures, so as to ensure their full compliance with national legislation and regulations on the prohibition of forced sterilization and impose appropriate sanctions in the event of a breach;**

(b) **Provide systematic and regular training to all relevant personnel in public and private health centres on how to ensure free, prior and informed consent for medical interventions in the field of women's reproductive health, including sterilization, in line with the Convention and the Committee's general recommendations Nos. 19 and 24;**

(c) **Take measures to raise awareness among Roma women of their sexual and reproductive rights and on ways to seek redress in cases of violation, including with regard to cases that occurred in the past;**

(d) **In line with the Committee's general recommendation No. 33, ensure that complaints filed by Roma women against forced sterilization are duly investigated and that victims of such practices have access to remedies and redress that are adequate, effective, promptly granted, holistic and proportionate to the gravity of the harm suffered.**

**Economic empowerment of women**

34. The Committee notes that the State party has introduced minimum pension benefits and extended the period of maternity leave for single mothers. It is concerned, however, that single-parent households headed by women, older women and Roma women, in particular those living in segregated settlements, are at high risk of poverty and that social benefits, allowances and pensions are not providing adequate protection against poverty.

**35. The Committee recommends that the State party review its pension and social benefits schemes, so as to ensure that the amount and duration of pensions and other benefits are adequate for effective protection against poverty, and adopt a specific strategy to improve the economic status of single-parent households headed by women, older women and Roma women.**

**Disadvantaged and marginalized groups of women**

36. The Committee notes with concern the impact of intersecting forms of discrimination on disadvantaged and marginalized groups of women in the State party. In particular, the Committee is concerned about:

(a) The persisting segregation of Roma in separate settlements, including by constructing walls and other physical separations, the limited access of Roma women to land tenure, the reports of frequent violent raids by the police on Roma settlements, resulting in casualties and the displacement of residents, including women and children, and the lack of investigation into the excessive use of force and misconduct by the police;

(b) The heightened risk of violence, labour exploitation and racially motivated acts faced by migrant women;

(c) Reports that, when transgender and intersex women seek to change their legally recognized gender, they are required to undergo medical treatment, which does not respect the freedom to control one's body;

(d) The lack of comprehensive data on women facing multiple and intersecting forms of discrimination, which prevents the State party from obtaining a basis for informed and targeted policy to address their situation with regard to all areas covered by the Convention.

**37. The Committee urges the State party:**

**(a) To review its laws and policies on land and housing, including the Construction Act, with the participation of Roma women, to ensure that they can fully enjoy their rights to adequate housing, education and family and private life without discrimination and fear of segregation, forced eviction and displacement, and establish and enforce a strict code of conduct for the police so as to effectively guarantee respect for women's human rights in all their operations;**

**(b) To introduce protective measures for all migrant women, including undocumented migrant women, at particular risk of violence, strengthen labour inspections of workplaces, including private households, and take specific measures to protect all migrant women from racially motivated acts;**

**(c) To review current laws and take measures to ensure that the rights of transgender and intersex women and girls to control their bodies are respected and protected and that they are free from non-consensual medical treatment, including by abolishing the requirement of compulsory sterilization and surgery for transgender women who wish to obtain legal recognition of their gender.**

**38. The Committee recommends that the State party enhance the collection of data disaggregated by sex, age, ethnicity, geographical location and socioeconomic background, in all areas covered by the Convention, in particular on women facing multiple and intersecting forms of discrimination, including women belonging to Roma and other ethnic minorities, migrant, refugee and asylum-seeking women, women with disabilities and lesbian, bisexual, transgender and intersex women. In doing so, the Committee encourages the State party:**

**(a) To collect data on ethnicity based on the principle of self-identification and anonymity;**

**(b) To involve the population groups being surveyed in the data-definition and data-collection processes;**

**(c) To ensure the stringent protection of personal information throughout the data-collection process, including the collection, processing and dissemination of data.**

39. The Committee is further concerned at the recent resurgence of the negative discourse by political leaders, private organizations and religious groups and of violence directed against Roma women and women belonging to other ethnic minority groups, migrant, refugee and asylum-seeking women and lesbian, bisexual, transgender and intersex women.

40. **The Committee urges the State party:**

(a) **To amend its legislation to explicitly prohibit, as a separate crime, hate speech against lesbian, bisexual, transgender and intersex women;**

(b) **To ensure that the prohibition of hate crimes and hate speech under the Anti-Discrimination Act and the Criminal Code is strictly enforced and that judges, prosecutors, police officers and other law enforcement officials are adequately trained to recognize and effectively address such incidents;**

(c) **To publicly condemn racially motivated and homophobic discourse and violence, including manifestations of racism and homophobia in the media and on the Internet, and strengthen efforts to promote tolerance and respect for diversity;**

(d) **To take an inclusive and non-selective approach in upholding the principle of non-refoulement and a gender-sensitive approach to the continuing refugee inflows and asylum claims, including in procedural matters, in line with the rights covered in the Convention and in the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.**

**Marriage and family relations**

41. In the context of the increasing number of divorces, single-parent households, a majority of which are headed by women, and de facto unions, the Committee notes with concern:

(a) That there is no legal provision regulating de facto unions (referred to as "free cohabitation of partners"), which may deprive women of protection and redress in the case of separation from a partner;

(b) That there is a lack of research on the long-term developmental effects on children of shared or alternating custody arrangements introduced in the Family Act in 2010 and a lack of safeguards against decreased child support payments resulting from such arrangements, with the risk that children's well-being will be jeopardized;

(c) That the State party's current law on property distribution upon divorce does not adequately address gender-based economic disparities between spouses resulting from traditional work and family life patterns. Those often lead to men having enhanced human capital and earning potential, while women may experience the opposite, so that spouses currently do not equitably share in the economic consequences of the marriage and its dissolution. Likewise, neither existing legislation nor case law addresses the distribution of future earning potential so as to redress possible gender-based economic disparities between spouses.

42. **The Committee recommends that the State party:**

(a) **Undertake legislative reforms with a view to protecting the economic rights of women in de facto unions, in line with the Committee's general recommendation No. 29 (2013) on article 16 of the Convention (economic consequences of marriage, family relations and their dissolution);**

(b) **Undertake research into the developmental effects of shared or alternating custody arrangements, focusing on children's psychological and**

economic well-being, and develop the necessary training for judiciary and welfare personnel on the complexity of such arrangements, bearing in mind the growing influence of “men’s rights organizations” over welfare workers, and ensure that the 2015 amendment to the Family Act mandating consideration of “interfering with the mental, physical and emotional integrity of a person close to the child” in decision-making in all matters concerning the child is implemented and enforced;

(c) Conduct research on the economic consequences of divorce on both spouses and adopt such legal measures as may be necessary to redress economic disparities between men and women upon the dissolution of marriage, including, in particular, the recognition of earning potential as part of the marital property to be distributed upon divorce or the award of periodic payments as compensation for the loss of earning potential during marriage, in line with general recommendation No. 29.

#### **Amendment to article 20 (1) of the Convention**

43. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

44. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

#### **2030 Agenda for Sustainable Development**

45. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

#### **Dissemination**

46. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers’ associations, trade unions, human rights and women’s organizations, universities, research institutions and the media. It recommends that the present concluding observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee’s general recommendations, to all stakeholders.

**Technical assistance**

47. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in that respect.**

**Ratification of other treaties**

48. **The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

**Follow-up to the concluding observations**

49. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 9 and 19 (a) above.**

**Preparation of the next report**

50. **The Committee invites the State party to submit its seventh periodic report in November 2019.**

51. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).**

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