



**SLOVAK NATIONAL
CENTRE FOR
HUMAN RIGHTS**

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OBSERVATIONS OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS

in relation to the seventh periodic report of Slovakia to the Committee on the
Elimination of Discrimination against Women



April 2023



1. NATIONAL HUMAN RIGHTS INSTITUTION (para. 5 of LOIPR)

1. The amendment of the Act No.308/1993 on Establishment of the Slovak National Centre for Human Rights¹ (the Act on the Centre) was rejected in July 2019. Since then, there have been no legislative efforts to strengthen the mandate and independence of the Slovak National Centre for Human Rights (the Centre) fully in line with the Paris Principles. While a minor amendment specified that reports prepared and published by the Centre under Article 1 (2) (h) of the Act on the Centre are independent reports², it did not have significant impact on implementation of the Paris Principles.
2. In January 2023, the Centre provided its opinion on the proposals of EU directives on the standards for equality bodies³ to the Ministry of Justice of the Slovak Republic. If adopted, the proposed directives would have a significant impact on functioning of the Centre as an equality body. In terms of guarantees of independence and effectiveness, their transposition would inevitably be an opportunity to bring the legislation also fully in line with the Paris Principles, as also indicated by the Government. The Centre considers it crucial that in the event of delays in adoption of the directives, such situation is not used as a justification for further postponing legislation necessary to ensure compliance with the Paris Principles.
3. In the monitoring period, the Centre has been financially strengthened as demonstrated in the chart below. In 2022, in addition to operational budget (EUR 870 287) the Centre was also allocated EUR 74 000 for capital expenditures to modernize its ICT infrastructure. Consequently, the Centre gradually increased the number of its expert staff from 16 in 2018 to 26 employees in 2023.^{4,5}

Financial Year	Budget/EUR
2018	565 356
2019	787 215
2020	797 822
2021	849 874
2022	870 287
2023	967 002

Recommendations

1. **To renew efforts to adopt amendments providing full compliance of the law on functioning of the Slovak National Centre for Human Rights with the Paris Principles and to ensure that the legislation is a result of a transparent participatory process.**
2. **GENDER EQUALITY AND EMPLOYMENT (para. 15 of LOIPR) AND IMPACT OF COVID-19 PANDEMIC ON GENDER EQUALITY (paras. 2 and 9 of the LOIPR)⁶**
4. Slovakia ranked 24 out of 27 EU Member States in the past three Gender Equality Index of the European Institute of Gender Equality.⁷ Moreover, the indicators related to labour show a slight decrease in 2022 in comparison to 2021.⁸ Although the situation is improving, the gender pay gap⁹ remains above EU average – in 2019, women in Slovakia earned on average



18.4% less than men (EU average 13.7%), in 2020, they earned on average 15.8 % less (EU average 12.9%) and in 2021, women earned 16.6% less (EU average 12.7%).¹⁰

5. The gender-specific impacts of the COVID-19 pandemic were underlined already in the first waves of the pandemic in 2020. According to a survey by the Institute for Labour and Family Research, *“many women had to “juggle” to secure unpaid work, while their income was reduced and in some cases they tried to work full time in a crowded household.”*¹¹ While the amount of hours of domestic unpaid work increased for both men and women, women were affected much more.¹²
6. According to a Flash Eurobarometer survey on the impact of COVID-19, 45% of women in Slovakia think the pandemic has had a negative impact on their income, 44% of women say it had negatively affected their work-life balance and 17% of women in Slovakia observed a negative impact on the amount of time they allocated to paid work.¹³
7. Accordingly, 78% of women in Slovakia think that the COVID-19 pandemic has led to an increase in physical and emotional violence against women.¹⁴ The number of calls to National Hotline for Women Experiencing Domestic and Partner Violence increased by 49% in 2020 compared to the previous year. In 2021, the monthly number of women contacting the hotline significantly exceeded the average monthly number in 2019.¹⁵
8. According to the General Prosecutor's Office, in relation to the crime of abuse of a close person and confidant, an increase of up to 18% in criminal prosecutions was recorded in 2020.¹⁶ Violence more often led to more fatal consequences, as evidenced by the higher number of homicides in close and familial relationships. In 2020, 16 people died at the hands of their relatives, which is 78% more than in 2019. The number of murders of women by their partners rose by 71%.¹⁷ Increased willingness of women to address partner violence through criminal law is also documented by police statistics.¹⁸
9. No specific nationwide measures were adopted to support women experiencing partner or domestic violence during the COVID-19 pandemic, while in general, pandemic measures may have had a potentially negative impact on violence against women. Service providers followed the guidelines and recommendations for all types of social services, including need to submit a negative test by victims. During the first wave of the pandemic, counselling and outpatient centres have switched to distance counselling. Although a number of exceptions were made during the curfews, threats to health and life were not included. At the time of the longest lockdown, women experiencing violence and their children could only leave the perpetrator knowing that they had violated the measures in force.¹⁹ New intervention centres were established in 2021 by an amendment to Act No. 274/2017 Coll. on Victims of Crimes and on Amendments and Additions to Certain Acts,²⁰ providing crisis intervention and expert support to victims of domestic violence in cases where the perpetrator has been evicted from the shared household, as well as assist those victims of domestic violence who contact it directly, free of charge for a minimum period of three months.²¹



Recommendations

1. **Ensure that in the event of a pandemic, public emergency, security threat, or other situations that might have greater impact on the victims of domestic violence, especially women, addressed measures are promptly adopted, securing the necessity of immediate personal access to medical and other social services without the requirement of a waiting period.**
2. **Ensure effective functioning of intervention centres in all regions and helplines for the victims of domestic violence and allocate sufficient financial resources to sustain their operation.**
3. **INVOLUNTARY STERILIZATIONS OF ROMA WOMEN AND STERILIZATION IN RELATION TO ACCESS TO LEGAL GENDER RECOGNITION (para. 19 and 25 of LOIPR)**
10. With regards to the practice of involuntary sterilizations the Centre identifies two main issues, namely forced and coercive sterilizations of mainly Roma women in between 1966-1989 and in 1990-2004 and long-term practice of conditioning legal gender recognition by sterilization of transgender persons. Both issues were addressed by the Centre also in its recent report submitted to the Committee against Torture.²²
11. Apart from the information provided to the Committee against Torture, the Centre is also concerned by the alarming number of legislative attempts to limit legal gender recognition. These attempts include proposals to introduce constitutional definition of gender identity as an irreversible concept defined by sex assigned upon birth, to prohibit discussing issues related to gender identity in schools or to exclude the possibility to change the name and surname of a person during or upon transition.²³ In March 2023, the Parliament passed in the first reading an amendment of the Act No. 301/1995 Coll. on Birth Registration Number as amended²⁴, which conditions the change of a birth registration number (that includes a gender-specific marker) by submitting results of a genetical test confirming the gender of a person concerned. Such condition would make the change of a birth identification number in line with the recognized gender identity of a person upon transition *de facto* impossible

Recommendations

1. **Adopt necessary measures to ensure access to effective remedies, including adequate compensation without further delay for women who have been victims of involuntary sterilization and ensure that lack of medical documentation does not constitute an obstruction for the compensation of the victims.**
2. **Consult Roma women and their organizations, including Roma women human rights defenders in all measures taken to address and remedy involuntary sterilizations. Conduct outreach information campaigns for potential victims of past involuntary**



sterilizations and support victims to prevent potential abuse by third parties providing legal and financial services.

- 3. Ensure effective implementation of the Expert guidance of the Ministry of Health Care of the Slovak Republic on transitions, including the newly adopted Standard procedure for diagnosis and complex management of health care for an adult person with transsexualism (F64.0) and provide accessible procedures of medical transition in line with human rights standards.**
- 4. Refrain from legislative proposals restricting access to legal gender recognition and having retrogressive impact on the right to health.**

4. ACCESS TO SAFE AND LEGAL ABORTION SERVICES AND PARTICIPATION OF WOMEN HUMAN RIGHTS DEFENDERS (paras. 17 and 18 of LOIPR)

12. The Centre has repeatedly warned that the state of exercising reproductive and sexual rights in Slovakia is alarming, especially for vulnerable groups. Moreover, there are continuous legislative attempts to further restrict access to safe abortions aiming to introduce restricting conditions such as longer waiting periods, obligatory ultrasounds with heartbeats, confirmation of two medical professionals, obligatory information to be provided by the woman concerned, compulsory burial of aborted fetuses or prohibiting advertising of abortion services.²⁵ The situation has been contested also by the Council of Europe Commissioner for Human Rights.²⁶
13. Beside these proposals, accessibility of reproductive health services and accessibility of information about them is already insufficient. It is restricted by inadequate and inaccurate information regarding the provision of reproductive health services²⁷, as well as by geographic accessibility of reproductive health services, which is the most limited in the Prešov Self-governing region.²⁸ In terms of affordability of reproductive health services, the non-compliance with the maximum fee for abortion (EUR 248,95) set by the Ministry of Health of the Slovak Republic is problematic. The ambiguity of information provided in the price list and the additional and hidden fees for administrative and medical services associated with the performance of abortion represent a barrier.²⁹
14. Accessibility of safe abortions to minors is restricted also by discrepancy of legal regulation. According to the Act No. 73/1986 Coll. on Abortions as amended, minor girls under 16 years can be performed abortions only upon informed consent of their legal representative. Legal representatives of girls in the age between 16- and 18-years requesting abortions are only to be informed, but their consent is not required. However, the Act No. 576/2004 Coll. on Health Care, Health-Care Services and amending and supplementing certain acts as amended requires informed consent of legal representatives to all minors.³⁰ In practice, this leads to health-care providers requiring informed consent of legal representatives even if abortion is requested by minor girls over 16.
15. In October 2021, her letter to the members of the Slovak parliament the Council of Europe Commissioner for Human Rights called to refrain from retrogressive proposals and to ensure that Slovakia fulfils its obligations in the field of protection and promotion of women's rights.



The Commissioner drew attention to the negative impact of the proposed legislation on women's rights and expressed concern that repeated legislative attempts to restrict access to abortion were creating an *"increasingly hostile environment for human rights defenders in Slovakia who focus on issues of women's sexual and reproductive rights and gender equality in general."*³¹

16. In 2022, the Centre conducted research on challenges to safe democratic space for women human rights defenders working on sexual and reproductive health and rights. Although not a representative research, the information point to personal or organizational risks women human rights defenders in Slovakia face, including stigmatization, hateful comments on social media or barriers in participation. They also encounter long-term lack of funding and support, including losing access to subsidy support from the Ministry of Labour, Social Affairs and Family of the Slovak Republic for organizations that support gender equality since 2021³² as well as regressive so-called "anti-gender movements" and strong actors standing in opposition to sexual and reproductive health and rights.³³

Recommendations

- 1. Refrain from introducing legislative measures restricting access to abortions and diminishing existing rights in the field of sexual and reproductive health contrary to the principle of non-retrogression and ensure access to safe abortion by removing legislative and non-legislative barriers to access to abortion.**

¹ The draft law was reviewed by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. See: OSCE/ODIHR: *Opinion on the Draft Amendments to the Act on Establishment of the Slovak National Centre for Human Rights*, 2019, available at: <https://www.osce.org/files/f/documents/5/0/434804.pdf>.

² Act No. 110/2023 Coll. amending and supplementing the Act No. 564/2001 Coll. on Public Defender of Rights as amended and amending and supplementing certain other acts, available in Slovak at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/110/20230501>.

³ Proposals on standards for equality bodies available at: https://commission.europa.eu/document/797a4729-bc57-4e91-b703-bbbd4bdea8b4_en and https://commission.europa.eu/document/4e5f2ee4-7529-4153-8032-273f70857880_en.

⁴ Average numbers of employees per year: 2018 – 16, 2019 – 18, 2020 – 21, 2021 – 23, 2022 – 25, 2023 – 26/28.

⁵ Since October 2022, the Centre has increased its expert capacities by 2 temporary job positions funded under the project *Supporting National Human Rights Institutions in Monitoring Fundamental Rights and Fundamental Rights Aspects of the Rule of Law* funded by EEA and Norway Grants.

⁶ The Centre also submitted information on this issue to the Committee against Torture in March 2023. Please see: Slovak National Centre for Human Rights: *Observations of the Slovak National Centre for Human Rights in relations to the fourth periodic report of Slovakia to the Committee against Torture*, 2023, pp.17-18, available at: https://www.snslp.sk/wp-content/uploads/CAT_submission_SNCHR.pdf

⁷ Gender Equality Index of the European Institute for Gender Equality available at: <https://eige.europa.eu/gender-equality-index/2020> (2020; Slovakia achieved 55,5 points out of 100 while EU average was 67,4 points); <https://eige.europa.eu/gender-equality-index/2021> (2021; Slovakia achieved 56 points out of 100 as compared to EU average of 68 points); <https://eige.europa.eu/gender-equality-index/2022/country/SK> (2022; Slovakia achieved 56 points out of 100 while EU average was 68.6 points).



⁸ European Institute for Gender Equality: “Gender Equality Index 2022”, available at: <https://eige.europa.eu/gender-equality-index/2022/compare-countries/work/table>.

⁹ With regards to gender pay gap, please also see also: Slovak National Centre for Human Rights: *Alternative Report on the Implementation of the European Social Charter – Group 3 – Articles 4 (3), 26 and 29*, pp.4-12, 2022, available at: https://www.snslp.sk/wp-content/uploads/European-Social-Charter-Submission_SNCHR_2022.pdf.

¹⁰ Eurostat: “Gender pay gap in unadjusted form”, available at: https://ec.europa.eu/eurostat/databrowser/view/SDG_05_20/default/table?lang=en.

¹¹ Kuruc, A., Valkovičová, V., Jablonická Zezulová, J.: *Survey on the living situation during the COVID-19 pandemic*, 2020, p.31 available in Slovak at: <https://bit.ly/3baWam5>. Authors note that women largely predominated as the survey participants (81,9 %) and the data is not representative but can serve to assess trends and challenges.

¹² Ibid., p.19.

¹³ European Parliament, Eurobarometer Flash Survey: *Women in Times of COVID-19*, 2022, available at: <https://europa.eu/eurobarometer/surveys/detail/2712>.

¹⁴ Ibid.

¹⁵ Očenášová, Z.: *COVID-19 as the perfect storm for partner violence against women*, 2021, p.8., available in Slovak at:

https://www.zastavmenasilie.gov.sk/resources/data/COVID19_AkoDokonalBurkaPrepartnerskeNasilieNaZenach_ZuzanaOcnasova_2021.pdf. See also: Vitéková, M.: *Report on the activities of the National Hotline for Women Experiencing Violence in 2020*, available in Slovak at: https://ivpr.gov.sk/wp-content/uploads/2022/02/bulletin_ivpr_1_2022.pdf

¹⁶ General Prosecutor's Office of the Slovak Republic: *Report of the General Prosecutor of the Slovak Republic on the activities of the Prosecutor's office and on the state of legality in the Slovak Republic for 2020*, p.41, available in Slovak at: <https://www.genpro.gov.sk/extdoc/55308/Sprava%20o%20cinnosti%20prokuratury%20za%20rok%202020>.

¹⁷ Očenášová, Z.: *Impact of anti-pandemic COVID-19 measures on violence against women*, 2021, p.8, available in Slovak at: https://ivpr.gov.sk/wp-content/uploads/2021/08/vplyv_protipandem_opatreni_na_nasilie_na_zenach_ocnasova_2021.pdf

¹⁸ Očenášová, Z.: *COVID-19 as the perfect storm for partner violence against women*, 2021, p.15, available in Slovak at: https://www.zastavmenasilie.gov.sk/resources/data/COVID19_AkoDokonalBurkaPrepartnerskeNasilieNaZenach_ZuzanaOcnasova_2021.pdf

¹⁹ Očenášová, Z.: *Impact of anti-pandemic COVID-19 measures on violence against women*, 2021, p.10, available in Slovak at: https://ivpr.gov.sk/wp-content/uploads/2021/08/vplyv_protipandem_opatreni_na_nasilie_na_zenach_ocnasova_2021.pdf

²⁰ Act No. 217/2021 Amending and Supplementing Act No. 274/2017 Coll. on Victims of Crimes and on as amended by Act no. 231/2019 Coll. and amending Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force, as amended.

²¹ Press Agency of the Slovak Republic: “Ministry of Justice: Intervention centres to be all over the Slovak Republic in a year”, 20 November 2021, available in Slovak at: <https://www.teraz.sk/slovensko/rezort-spravodlivosti-intervencne-cen/591832-clanok.html>

²² Slovak National Centre for Human Rights: *Observations of the Slovak National Centre for Human Rights in relations to the fourth periodic report of Slovakia to the Committee against Torture*, March 2023, pp.10-16, available at: https://www.snslp.sk/wp-content/uploads/CAT_submission_SNCHR.pdf.

²³ See e.g.: Proposal of the Constitutional Act amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll. as amended (No.429), available in Slovak at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=429>; Proposal of the Constitutional Act amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll. as amended (No.698), available in Slovak at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=698>; Proposal of the the Act amending the Act No. 300/1993 Coll. on Name and Surname as amended and Act No. 301/1995 Coll. on Birth Identification Number (No.697), available in Slovak at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=697>; Proposal of the Act amending and supplementing the Act No. 245/2008 Coll. on Education and Upbringing (the School Act) and amending and supplementing certain other acts as amended (No.732), available in Slovak at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=732>; Proposal of the Act amending and supplementing the Act No. 245/2008 Coll. on Education and Upbringing (the School Act) and amending and supplementing certain other acts as amended (No.1249), available in Slovak at:



<https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=1249>. The list is not exhaustive.

²⁴ Proposal of the Act amending and supplementing the Act of the National Council of the Slovak Republic No. 301/1995 Coll. on Birth Identification Number as amended, available in Slovak at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=1486>

²⁵ See e.g.: Proposal of the Act amending Act No. 576/2004 Coll. on Health care, services related to the provision of health care, and on amendments and supplements to certain Acts (No.154), of 20 October 2020, available in Slovak at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=154>; Proposal of the Act on assistance to pregnant women (No.665), available in Slovak at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=665>; Proposal of the Act amending and supplementing Act No. 131/2010 Coll. On Burial Services as amended and amending and supplementing certain acts (No.1190), available in Slovak at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=1190>. The list is not exhaustive. See also: Slovak National Centre for Human Rights: *Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2019*, p.170, available in Slovak at: <https://www.snslp.sk/wp-content/uploads/Sprava-o-LP-v-SR-za-rok-2019.pdf>.

²⁶ Council of Europe Commissioner for Human Rights letters to the Members of the Slovak Parliament available at: <https://rm.coe.int/letter-to-the-national-council-of-the-slovak-republic-by-dunja-mijatov/168098eed2> (2019); <https://rm.coe.int/commmdh-2020-18-letter-to-parliament-slovak-republic-en/16809f7d70> (2020) and <https://rm.coe.int/letter-to-the-slovak-national-council-by-dunja-mijatovic-council-of-eu/1680a43530> (2021).

²⁷ Holubová, B., Mesochoritsová, A. & Jojart, P.: *Accessibility of reproductive health services in Slovakia. Report on health-care providers*. 2021, p.39-51, available in Slovak at: http://moznostvolby.sk/wp-content/uploads/2021/09/revAM_Dostupnos%C5%A5-slu%C5%BEieb-reproduk%C4%8Dn%C3%A9ho-zdravie-na-Slovensku.pdf.

²⁸ Ibid., p.61.

²⁹ Ibid., pp.70-76. See also: Slovak National Centre for Human Rights: *Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2019*, p.176, available in Slovak at: <https://www.snslp.sk/wp-content/uploads/Sprava-o-LP-v-SR-za-rok-2019.pdf>.

³⁰ Slovak National Centre for Human Rights: *Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2019*, p.166-168, available in Slovak at: <https://www.snslp.sk/wp-content/uploads/Sprava-o-LP-v-SR-za-rok-2019.pdf>.

³¹ Council of Europe Commissioner for Human Rights: Letter to the Members of the National Council of the Slovak Republic, 15 October 2021, available at: <https://bit.ly/3bS8qbo>.

³² Act No. 417/2020 Coll. amending Act No. 544/2010 Coll. on Subsidies under the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic, as amended, as of 1 January 2021 changed the Section 9a which regulated the provision of subsidies for the promotion of gender equality to organisations with the subject of activity “promotion of gender equality” to “subsidies for the promotion of equality between women and men and equal opportunities” for organisations with the subject of activity “promotion of equality between women and men and equality of opportunities”. Available in Slovak at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/417/20210101.html>.

³³ Slovak National Centre for Human Rights: *Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2021*, pp.87-96, available at: <https://www.snslp.sk/wp-content/uploads/Human-rights-report-for-the-year-2021.pdf>