

SLOVAK REPUBLIC

1. Discriminatory family code

The statutory **minimum age of marriage** in the Slovak Republic is 18 years for both sexes, although courts may exceptionally allow minors over 16 years to enter into marriage.¹ In regard to **early marriage**, the Statistical Office of the Slovak Republic reported 1,024 females and 420 males under 19 years of age entered into marriage for the first time in 2012,² while latest figures from the United Nations (UN) indicate that 1.0% of females aged 15-19 were married, divorced or widowed in 2010, compared to 0.2% of males in that same age range.³ Although the adolescent fertility rate is gradually dropping (17.0 in 2013,⁴ compared to 21.6 in 2012⁵), pregnancies among girls aged 14 years and under peaked in 2012, with the Statistical Office of the Slovak Republic reporting 48 births that year, the highest number on record since 2002.⁶

Slovakian law provides for joint **parental authority** during marriage, and for both spouses to take care of family needs, including household needs, according to their skills, capabilities and financial situation.⁷ Family matters are jointly decided by both spouses, and each spouse can represent the other in ordinary family matters, such as financial transactions.⁸

In the case of **divorce**, case child custody and maintenance is determined by the court in the best interest of the child, although parents can submit an agreement regulating the exercise of parental responsibility to the court for approval.⁹ In deciding on the child's custody, the court takes into special consideration the emotional ties, development needs and future educational environment of the child.¹⁰ According to the Statistical Office of the Slovak Republic, 10 948 divorces were pronounced in 2012; 61.8% of couples who divorced that year had at least one under-aged child; and couples who divorced that year had been married for 14.9 years on average.¹¹

¹ Act No. 36/2005 Coll. on family and amendment and supplementation of certain acts (Family Act), s.11(1)

² Statistical Office of the Slovak Republic (2013), "Population and migration" (metadata)

³ UNDESA (2013)

⁴ World Economic Forum (2013)

⁵ Statistical Office of the Slovak Republic (2013)

⁶ Ibid.

⁷ Family Act (Act No. 36/2005 Coll.), s.28(2) and s.19(1) respectively

⁸ Ibid., s.19(2) and s.20(1) respectively

⁹ Ibid., s.23(1) and s.24 respectively

¹⁰ Ibid., s.24

¹¹ Statistical Office of the Slovak Republic (2013)

Slovakian law provides for equal **inheritance** rights for wives and daughters, as the Civil Code makes no gender distinction regarding the rights of the spouse and children of the deceased.¹²

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Statistics and surveys illustrate a gender gap in relation to **paid and domestic work** in Slovakian families. Husbands are indeed statistically more economically active than their wives, with the UN reporting respective overall employment rates of 61.7% and 52.4% in 2011, and especially high gender gaps in the 15-24 and 25-29 year old age groups (61.0% and 90.4% of husbands aged 15-24 and 25-49 were respectively employed in 2011, compared to 23.0% and 67.8% of wives in those age groups).¹³ Moreover, only 5.7% of mothers with children younger than 14 years of age worked over 45 hours a week in 2008, compared to 25.9% of fathers.¹⁴ Gender gaps are also apparent in domestic work, with Slovakian women reportedly spending on average 13.6 more hours than men on weekly housework, in 2005.¹⁵

Women and men have equal **rights to initiate divorce**.¹⁶

2. Restricted physical integrity

Slovak law criminalises rape, sexual violence, sexual abuse, domestic violence, human trafficking, and procuring and soliciting prostitution.¹⁷

While **domestic violence** is not explicitly named in the Code, s.208 refers to “battering a close person and a person entrusted in one’s care”, while s.127 specifies that “a person who lives or lived with the perpetrator in a shared household” is included as a “close person”, and “a person entrusted into one’s care”. S.208 of the Code therefore covers domestic violence, and contains a very long and specific list of prohibited forms of physical and mental suffering, including “repeated and unjustified denial of food, rest or sleep, or denial of necessary personal care, basic clothing, elementary hygiene, health care, housing, upbringing or education”.

Rape is defined by the Criminal Code as the act of using violence, or threatening to use imminent violence, to force a woman to have sexual intercourse, or taking advantage of her helplessness to commit such an act.¹⁸ Rape is therefore necessarily perpetrated against female victims, and thus distinguished from sexual violence, which can be directed towards males and females.¹⁹ Marital/spousal rape and the rape of pregnant women are, inter alia, aggravated forms of rape,²⁰ and the Code specifies that a helpless person shall mean a person who owing to

¹² Civil Code, s.473 and s.474

¹³ UNECE

¹⁴ OECD (2014)

¹⁵ Strapcová K, Voicu B, Voicu M. (2008)

¹⁶ Family Act (Act No. 36/2005 Coll.), s.28(2) and s.19(1)

¹⁷ Act 300/2005 Coll Criminal Code, s.199, s.200, s.201, s.208, s.179 and s.367 respectively

¹⁸ Ibid., s.199(1)

¹⁹ Ibid., s.200(1)

²⁰ Through the combined reading of s.199(2) and s.127(5) of the Act 300/2005 Coll Criminal Code

age, health, circumstances of the offence or circumstances on the offender's side, had no chance of effectively defending the attack.²¹

Sexual harassment, on the other hand, is not criminalised under Slovakian law. However, the 2004 Anti-discrimination Act²² includes a specific reference to sexual harassment since 2008 under article 1 s.2a(5): “Sexual harassment shall mean verbal, non-verbal or physical conduct of a sexual nature whose intention or consequence is or may be a violation of a person’s dignity and which creates an intimidating, degrading, disrespectful, hostile or offensive environment.” A recent report by the European Commission indicates that the Slovak Republic was reluctant to amend its labour legislation due to “the unwillingness to accept the problem of discrimination on the grounds of sex and opinions interpreting sexual harassment as a private affair of the directly involved parties”, and that the change only occurred to comply with European Union (EU) harmonisation requirements, although the current definition is not fully compatible with EU directives.²³ The report also indicates that the possibility for the claimant to shift the burden of proof onto the defendant is only stipulated in the Anti-discrimination Act, and not in the Slovakian Code of Civil Procedure, thereby making it hard for victims of discrimination to succeed in court proceedings due to lack of evidence.

Despite this legal framework and the adoption of two successive National Action Plans for the Prevention and Elimination of Violence against Women for the periods 2005-08 and 2009-12, violence against women remains a concern in the Slovak Republic. As of September 2013, Slovakian authorities had reportedly recorded 356 cases of sexual abuse, 233 cases of domestic violence, 64 reports of rape, and 51 cases of sexual violence that year alone.²⁴ Moreover, according to an EU-wide survey on violence against women in 2012, 23% of Slovakian women had experienced intimate physical and/or sexual violence by their current (7.0% in the last 12 months) or previous partner; 22.0% had experienced non-partner physical and/or sexual violence (5.0% in the last 12 months); 34.0% had experienced intimate psychological violence by their current partner and 46.0% by their previous partner; 16.0% had been stalked (6.0% in the last 12 months); 36.0% indicated having experienced physical, sexual or psychological violence in their childhood; 32.0% were aware of domestic violence in their circle of friends and family; and 28.0% were aware of domestic violence in their work environment.²⁵ There is no available data on the percentage of women who agree that wife beating is justified under certain circumstances.²⁶

The UN Committee on the Elimination of Discrimination against Women (CEDAW) and the UN Committee Against Torture (CAT) expressed concern over the high rate of violence against women and girls in the Slovak Republic,²⁷ with both committees urging the country to provide

²¹ Act 300/2005 Coll. Criminal Code, s.127(7)

²² Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts (Anti-discrimination Act)

²³ European Commission, European Network of Legal Experts in the Field of Gender Equality (2011)

²⁴ US Department of State (2013)

²⁵ European Agency for Fundamental Rights (2014)

²⁶ UNICEF (2013)

²⁷ CEDAW (2008)

sufficient and adequate shelters for female victims of violence, to sensitise authorities to all forms of violence against women, and to raise public awareness of violence against women. The CEDAW, the CAT, and the UN Committee on Economic, Social and Cultural Rights (CESCR) have also expressed concern over trafficking of women and children for sexual and other exploitive purposes, as recently as 2012 (CESCR).²⁸

Despite these recommendations, Women Against Violence Europe (WAVE) NGO reported in 2010 that only five shelters were specifically set up to support female victims of domestic violence and their children, and that 459 shelter places were missing to reach the target number recommended by the European Parliament.²⁹ WAVE also reported the absence of any free-of-charge 24 hour helpline for female survivors of violence, and stated that no budget had been allocated to the Action Plan for the Prevention and Elimination of Violence Against Women for the periods 2009-12 (the same remark was made by the European Women's Lobby (EWL) in 2011).³⁰

According to a report published by the Slovakian Institute for Labour and Family Research in 2012, "System defects, discontinuity and legislative amendments, and relatively high turnover of personnel, as well as other factors are affecting the plight of solutions to violence against women".³¹ For instance, the report pointed to the limited efficiency of legal provisions enabling police officers to expel perpetrators of domestic violence from the common housing or neighbourhood for 48 working day hours,³² and stated that sexual violence and abuse are only reported to police by one in four victims. Underreporting was also identified through the aforementioned EU-wide survey conducted in 2012, with only 12.0% of Slovakian women reporting the most serious incidence of intimate sexual and/or physical violence to the police, compared to 14.0% for non-partner violence, and 17.0% for stalking. The findings of the survey also indicate that 41.0% of Slovakian women are not aware of any institution or support service for violence against women.³³

As regards conviction rates for violence against women, the Statistical Office of the Slovak Republic reported that 265 persons were convicted of rape and sexual abuse in 2011, including 73 juveniles,³⁴ while the Slovakian Institute for Labour and Family Research indicated that the conviction rate for rape averaged 27.0% between 2006 and 2011, and dropped to its lowest rate (21.0%) in 2011.³⁵

The Institute also stated that particular attention should be paid to violence against Roma women, who are excessively vulnerable due to their high rates of poverty.³⁶ The CAT expressed

²⁸ CESCR (2012)

²⁹ WAVE (2010)

³⁰ EWL (2011)

³¹ Institute for Labour and Family Research (2012)

³² Act No. 491/2008 Coll., amending the Police Forces Act, and Act No. 495/2009 Coll., amending the Code of Civil Procedure

³³ European Agency for Fundamental Rights (2014)

³⁴ Statistical Office of the Slovak Republic (2013)

³⁵ Institute for Labour and Family Research (2012)

³⁶ Ibid.

concern in 2009 over continued forced sterilisation practices on Romani women,³⁷ before the European Court on Human Rights (ECHR) ruled against the Government of the Slovak Republic in three cases between 2011 and 2012.³⁸ Despite these rulings, the Council of Europe's Commissioner for Human Rights noted in 2013 that the Government had still not recognised these illegal practices nor formulated an official apology, and therefore called on the country to ensure that all alleged cases were followed up, and that victims be given appropriate, effective and prompt compensation.³⁹ The CAT also expressed concern in 2009 over reports of internal and cross-border trafficking of Roma women and children.⁴⁰

Female genital mutilation is not reported to be practiced in the Slovak Republic.

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Latest UN figures for the period 2008-12 indicate that 96.9% of women in the Slovak Republic were attended by skilled health personnel at least once during pregnancy.⁴¹ The Government indicated in 2009 that women made insufficient visits to prenatal care services, given that antenatal mortality accounts for the largest share of perinatal deaths.⁴² According to the UN Population Fund's 2013 State of World Population Report, 66.0% of women aged 15-49 used some form of modern contraception,⁴³ although NGOs are concerned about the high cost of oral **contraception** and lack of public subsidisation.⁴⁴ The Statistical Office of the Slovak Republic reported a neonatal mortality rate of 3.3 deaths per 1 000 births in 2012, along with an infant mortality rate of 5.8 deaths per 1 000 births that same year.⁴⁵ These figures illustrate a slight increase since 2011 (respective rates of 2.9 and 4.9).⁴⁶ According to the Statistical Office, the mean age at first birth in 2012 was 27.29, compared to 24.14 in 2001.⁴⁷

Abortion is available upon request, and in the event of threat to maternal life, rape, health concerns, foetal impairments, and for economic or social reasons.⁴⁸ According to the most recent national statistics, 16 377 abortions were recorded in 2012, compared to 22 792 in 2001, and the general abortion rate was 12.0 abortions per 1 000 women aged 15- 44 in 2012.⁴⁹

³⁷ Committee Against Torture (CAT) (2009)

³⁸ US Department of State

³⁹ OHCHR (2013)

⁴⁰ CAT (2009)

⁴¹ UNICEF (2013)

⁴² Permanent Mission of the Slovak Republic to the Office of the United Nations and other International Organisations at Geneva (2009)

⁴³ UNFPA (2013)

⁴⁴ US Department of State; Center for Reproductive Rights (2011),

⁴⁵ Statistical Office of the Slovak Republic (2013)

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ UN Women (2011), Annex 3

⁴⁹ Statistical Office of the Slovak Republic (2013)

3. Son bias

Recent data does not indicate a son bias. The country had a male/female sex ratio at birth of 1.05,⁵⁰ and for the working population (15-64) male/female sex ratio of 1.0.⁵¹ There is no evidence to suggest that Slovak Republic is a country of concern in relation to **missing women**.

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Moreover, nearly identical pre-primary school, primary school and secondary school enrolment rates were recorded for both sexes between 2008-12.⁵²

4. Restricted resources and assets

Concerning **access to land and non-land assets**, the Civil Code contains general, gender neutral regulations on the acquisition of ownership, including non-discriminatory provisions regarding joint property between spouses (s.143 - s.151), while the Land Registry Act No. 162/1995 regulates real estate rights in more detail, and does not appear to contain any gender discriminatory provisions. As regards **access to financial services**, the World Economic Forum reported almost identical access to accounts in formal institutions among both sexes in 2013 (79.0% of women had an account, compared with 80.0% of men).⁵³ Moreover, according to 2011 data from the World Bank, only a fraction more men had taken out a loan at a financial institution in the past year (12.7% of men, compared with 10.3% of women), and possession of credit and debit cards were almost identical among both sexes (21.6% of men had a credit card, compared with 19.2% of women; 69.6% of men had a debit card, compared with 67.1% of women).⁵⁴

5. Restricted civil liberties

In regards to **access to public space**, the Constitution guarantees, inter alia, freedom of movement (art.23), freedom of expression (art.24), freedom of speech (art.26) and freedom of assembly (art.29).

According to the European Commission's most recent data, there were no striking gender gaps in the frequency of getting together with family and friends. 22.0% of women visited family on a daily basis, 36.6% every week, 21.0% several times a months, and 12.7% once a month; while 22.9% visited friends on a daily basis, 29.2% every week, 21.8% several times a months, and 14.1% once a month.⁵⁵

The Government of the Slovak Republic has taken several measures to increase women's **political participation**. In particular, a National Strategy for Gender Equality 2009-13 was passed on 8 April 2009, followed by a National Action Plan for Gender Equality 2010-13 on 12 May

⁵⁰ UN Women (2011), Annex 4

⁵¹ CIA. <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 28/03/2014)

⁵² UNICEF (2013)

⁵³ World Economic Forum (2013)

⁵⁴ World Bank (2014)

⁵⁵ European Commission (2014)

2010, whose first operational objective consists in achieving equal representation of women and men at all levels of decision-making and power.⁵⁶ Moreover, a female Prime Minister (Iveta Radičová) held office between 2010 and 2012.⁵⁷ In its 6th term (2012-2016), the Parliament has three women out of the four deputy speakers.⁵⁸

The Government has not adopted national **quotas** to increase women's political participation, however,⁵⁹ although the People's Party-Movement for a Democratic Slovakia (Ľudová strana - Hnutie za demokratické Slovensko - HZDS) has voluntarily set a parity target.⁶⁰ No quotas have been established at the sub-national level.⁶¹ Women remain under-represented in parliament, with 2013 data from the Inter-Parliamentary Union (IPU) indicating that women make up only 18.7% of Parliament (28 seats out of 150), thereby placing the Slovak Republic in 81th position in the World Classification of women in Parliament.⁶²

As regards leadership positions more generally, latest UN data indicates that women represented 13.3% of Government ministers in 2011, 63.8% of judges in 2010, and 23.1% of Constitutional court members in 2008.⁶³ Moreover, according to the Ministry of Labour, Social Affairs and Family, women's representation on boards of directors doubled between 2005 and 2012, jumping from 11.0% to 22.0%.⁶⁴

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Regarding **workplace rights**, the 2004 Anti-discrimination Act prohibits discrimination on grounds of sex, inter alia, in employment and other areas, and states that discrimination on grounds of pregnancy and maternity, and discrimination based on sexual or gender identification, constitute discrimination on grounds of sex.⁶⁵ Moreover, women in the Slovak Republic are entitled to 238 days of paid **maternity leave**,⁶⁶ which is fully financed by the Government and equates to 65.0% of their wages.⁶⁷ In addition, it is prohibited for employers to ask about family status or to discriminate on the basis of gender during job interviews,⁶⁸ and to terminate women's contracts during maternity leave.⁶⁹

⁵⁶ Government of the Slovak Republic (2010), *National Action Plan for Gender Equality 2010-2013, adopted by resolution of the government of the Slovak Republic no.316/2010 of 12.05.2010*

⁵⁷ Constitutional Court of the Slovak Republic (n.d), <http://portal.concourt.sk/pages/viewpage.action?pagelid=3604908>

⁵⁸ National Council of the Slovak Republic (n.d), Vice-Presidents of the National Council, <http://www.nrsr.sk/web/?sid=podpredsedovia>

⁵⁹ International IDEA, Stockholm University and Inter-Parliamentary Union (2013)

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² IPU (2014)

⁶³ UNECE

⁶⁴ Government of the Slovak Republic, Ministry of Labour, Social Affairs and Family (2012)

⁶⁵ Anti-discrimination Act (Act No. 365/2004), s.6

⁶⁶ Labour Code, s.166

⁶⁷ Act on Social Insurance

⁶⁸ Anti-discrimination Act (Act No. 365/2004), s.6 and Labour Code, s.41, respectively

⁶⁹ Labour Code, s.64

The Government has taken measures to promote gender equality in labour relations, including the organisation of an annual competition entitled “The Employer accommodating family, gender equality and equality of opportunities”, and the organisation of conferences.⁷⁰

Despite these measures, several challenges remain, including **gender gaps in employment rates, wages, working hours and part-time work**. In the fourth quarter of 2013, 44.0% of women were employed, compared to 58.1% of men.⁷¹ Moreover, a report published by the European Commission in 2013 indicates that female employees in the Slovak Republic earned on average 20.5% less than male employees in 2011, compared to the EU gap of 16.2%.⁷² This gap is corroborated by national statistics for 2012, which indicate that women earned on average 761 euros per month, compared to 1 003 euros for men; and that women consistently outnumbered men in the 200-700 euros monthly salary range, while men consistently outnumbered women in the 700-2300 euros range.⁷³ In addition, 2011 data from the OECD indicates that men work longer hours on average, with 87.0% of men working over 40 hours a week, compared with 78.0% of female employees.⁷⁴ Finally, the European Commission also reports that the Slovak Republic’s 2012 female part-time employment rate of 5.5% was well below the EU average of 32.1%, and that part-time working hours decreased between 2002 and 2011.⁷⁵

There are no gender inequalities in **access to ICT**. According to latest UN data for 2013, 78.0% of women and men used Internet over a three month period, and 74.0% of women and men used Internet on a weekly basis. Access to computers was also identical between sexes (79.0%).⁷⁶

Slovakian law provides for equal **citizenship** rights for women and men,⁷⁷

⁷⁰ Government of the Slovak Republic, Ministry of Labour, Social Affairs and Family (2012)

⁷¹ Statistical Office of the Slovak Republic (2014)

⁷² European Commission (2013)

⁷³ Statistical Office of the Slovak Republic (2013)

⁷⁴ OECD (2014)

⁷⁵ European Commission (2013)

⁷⁶ UNECE

⁷⁷ Act No. 40/1993 Coll. on Citizenship of the Slovak Republic, s.5

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