Executive Summary for Slovakia

Introduction

The adoption of the Anti-discrimination Act on 20 May 2004 can be considered a great leap in terms of equal treatment. The concept of discrimination, as legally defined, is well-established and goes even beyond the concept of discrimination as introduced in Directive 2002/73/EC amending Directive 76/207/EEC. Direct and indirect discrimination are defined in accordance with the definitions contained in Directive 2002/73.

The concept of harassment in Slovakia goes even further than the concept of harassment contained in the Equal Treatment Directive and its amendment. The added value is undoubtedly the second part of the definition, specifying in more detail the conditions under which certain behaviour can be found unacceptable. However, one drawback of the concept of harassment in Slovak legislation is the fact that no specific definition of sexual harassment is contained in any Slovak legislation that contains an equal opportunities/anti-discrimination clause.

The Labor Code does not contain a definition of a part-time worker; nor does it contain a specific definition of comparable full-time worker. Article 49 only contains a general formulation that an employer may agree with an employee in an employment contract on a reduced working time compared to the statutory weekly working time.

The system of social security in Slovakia has undergone numerous changes (both structural and "cosmetic") in the last few years. These changes can be characterized as common for a society burdened by the weight of a residual socialist regime, and by challenges stemming from the requirements of a market economy and merit system, and also from the requirements of EU accession. However, the end of year 2003 and the beginning of year 2004 brought changes that significantly reshaped the whole concept of social security. These changes were: adopting the Act No 461/2003 on Social Insurance, and adopting the Act No 43/2004 on Old-age Pension Saving.

Despite some positive legal developments in the field of equal opportunities, much remains to be done in terms of implementation.

Institutional mechanisms

Policies are not backed by sufficient institutional mechanisms that would be supported by appropriate expertise of the actors involved and by sufficient budgetary resources. There is no body that would inter-sectorally deal with equality of women and men at the executive level. Moreover, neither ministries nor any other bodies partially

responsible for implementing gender equality policies have units that would act in these institutions as coordinating and interdepartmental bodies with appropriate expertise (possibly apart from the Ministry of Employment, Social Affairs and Family which has the Department for Equal Opportunities and Anti-Discrimination – but nevertheless this ministry has not adopted any mainstreaming strategy and the gender optics is not present in other departments of the Ministry). Similarly, most of these bodies are centrally-oriented and do not have any regional units.

One institutional mechanism in Slovakia is the Department of Equality and Anti-Discrimination,[1] a body placed at the executive level that functions as a section of the Ministry of Employment, Social Affairs and Family of the Slovak Republic. Organizationally, the department falls under the Section of Social Inclusion.

The Department was established in 1999, and in 2003 its competencies were extended to include the field of discrimination (originally, it was only supposed to deal with equal opportunities).

As stated in the Organizational Order, the Department, in co-operation with other departments, shall carry out the tasks of the Ministry in the field of equal opportunities of women and men and in the field of anti-discrimination. The Department has, however, no competence to take binding enforceable decisions and no competence to sanction possible perpetrators in cases of possible breaches of the equal treatment principle.

New significant tasks have been allocated to the Slovak National Center for Human Rights (established in 1994) through an amendment to the act governing the functioning of the Center, realized through the adoption of the Anti-Discrimination Act on 20 June 2004 that is in effect from 1 July 2004. The tasks the Center is since obliged to perform include:

- monitoring and evaluation of the observance of the principle of equal treatment according to the Anti-Discrimination Act;
- realizing research and surveys in order to provide data in the field of human rights;

[1] Most of the information about the Department of Equal Opportunities and Anti-Discrimination was acquired through an interview taken at the Department on 7 July 2004 with Ms Kusendová and Ms Vránová. The rest of information was gained by interviews taken afterwards either by phone or by email, with Ms Mesochoritisová, the head of the Department, with Ms Kusendová, with Ms Vránová, and with Ms Bartoňová. The author of the report would hereby like to thank them for all the prompt and willing assistance that followed our numerous questions and requests.

- preparing educational activities and participating in informational campaigns with the aim to increase tolerance in society;
- providing legal aid to victims of discrimination and intolerance;
- publishing expert opinions, either on request or at their own initiative, on the observance of the principle of equal treatment;
- providing library services;
- providing services in the field of human rights.

The Center is also entitled to represent a litigant in proceedings concerning breaches of the principle of equal treatment.

Systematic training is lacking for actors involved in dealing with gender and equality issues in Slovakia (including legal, political, social, philosophical and other aspects) who are responsible for the implementation of policies at all levels.

Policies, programs and awareness raising

There is no comprehensive gender equality strategy in Slovakia. There are two main policy documents concerning gender equality – the National Action Plan for Women and the Concept of Equal Opportunities for Men and Women. The National Action Plan was adopted in 1997[2] on the basis of the Beijing Platform and it is the main policy document setting basis for equal treatment policy. The Concept of Equal Opportunities for Men and Women was adopted in 2001. Due to the accession of the Slovak Republic to the European Union, the duration period of the National Action Plan should be shortened,[3] and in 2005 it will be replaced by a new complex gender mainstreaming policy document that should substitute both the National Action Plan and the Concept of Equal Opportunities.[4]

The policies still lack a fully-integrative (mainstreaming) approach that would take into consideration all areas of life and which would be supported by appropriate institutional mechanisms. Basic policy documents have also been drafted without the corresponding financial backing to achieve the articulated aims.

The formulations of the priorities and tasks in the policy documents are often very general and abstract. Also, in some cases they omit important issues that should be dealt with at policy levels; for example, educational environments and gender stereotypes, and sexual harassment.

[2] See the Decision of the Government No 650 of 1997 adopted on 16 September 1997 on Adopting the National Action Plan for Women.

[3] Originally, the duration of the National Action Plan was planned for 10 years, i.e. till 2007.

[4] Currently, the aims and tasks of the policy documents are not updated.

In the implementation process, many of the aims and tasks are not further converted into appropriate programmes. Often a task is considered to be fulfilled by making a legislative change which, although it is a prerequisite for changing the situation in a particular field, is only a departure point for making structural changes (for example, in the case of flexible working arrangements).

So far, no campaigns have taken place on gender equality or the prohibition of discrimination on the basis of sex and gender, on the gender pay gap, family reconciliation or sexual harassment (or harassment in general). The only gender-related campaigns that have taken place in Slovakia were oriented towards violence against women, reproductive rights and trafficking. All campaigns were organized by non-governmental organizations with no state support.

Research and statistics

According to data from 2002, women's average salary in 2002 was 71.7 per cent of men's salary – 16.9 per cent under the national average (compared with men's average pay which was 15.8 per cent above the national average). The pay gap exists in all age- and education categories. The biggest difference was recorded in the category of respondents between 30-39 years of age. With higher education, the pay gap has a tendency to increase: women with a university degree earned 65 per cent of the income of their male counterparts.

Due to the traditional understanding of gender roles and the existing pay gap, it is mostly women (97.5 per cent) who take parental leave. The "female" dilemma of choosing between a professional career and family care is also influenced by the low affordability of childcare facilities.

Public access to information about gender equality is generally low and complicated. In general, persons who wish to learn about issues connected with equal opportunities or gender equality need to undertake serious research. In addition, many of the institutions that should, as a part of their mission, focus on gender equality (and on equality as such) – such as the Ombudsman or the Slovak National Center for Human Rights – contain very little or no information dealing with the topic. Moreover, a lot of information on gender equality is spread over numerous public institutions and these bits of information are often not accessible. There are, however, some NGOs whose websites deal with equality, prohibition of discrimination and gender equality issues, though only to a very limited extent and not in a complex manner.

There are also a few publications dealing with gender equality, including *Slovakia 2003: A Global Report on the State of Society* (this publication contains chapters on gender equality and the public participation of women);[5] *Gender Equality: Why we*

[5] Institute for Public Affairs, Bratislava 2004.

Need It?;[6] and *On the way to the European Union: A Guide not for Women Only.*[7] However, due to their dates of publication, not all of the information remains valid, and they do not cover the most recent legislative and implementation developments (for example, the adoption of the Anti-discrimination Act or policies related to EU structural funds).

Key recommendations

- The government and all other responsible actors should undertake a more comprehensive and integrative approach towards gender equality policies, and a gender mainstreaming approach should be made commonplace;
- A gender assessment of newly-prepared legislation should be required;
- Legislation in other fields (such as taxation and social security) should be reassessed in terms of their gender impact;
- A coordinating institution at the governmental level should be developed with appropriate powers, expertise and resources, with units containing appropriate expertise in all relevant institutions at central and local levels;
- Policies should be supported by appropriate programmes with the potential to effectively contribute to an improvement in the field of gender equality. Where appropriate, partial policies on sectoral levels should also be prepared and implemented;
- Gender equality should more clearly and expressly be seen as a priority for the government. More publicity should be devoted to policies and programmes in the field of equal treatment for women and men, and more emphasis on political responsibility should be put on individual responsible actors;
- Publicity should also comprise spreading information on legal means of redress (including practical aspects) in cases of breaches of the principle of equal treatment, with an emphasis on the reversed burden of proof;
- The media should take an active role in spreading information about equal opportunities;
- Appropriate methodologies and mechanisms should be developed to evaluate and assess the implementation of policies. More actors (both governmental and non-governmental) should be involved in such monitoring and evaluation;

[6] E. Kvapilova and S. Porubanova, *Rodová rovnosť: prečo ju potrebujeme?* (Gender Equality: Why We Need it?) Centre for Work and Family Studies, Bratislava, 2003.

[7] *Na ceste do EÚ. Sprievodkyňa nielen pre ženy* (On the way to the European Union: A Guide not Only for Women), Aspekt, Bratislava 2002.

- An inter-sectoral coordinating body with responsibilities and competences should be set up at the executive level;
- Already existing bodies should be restructured in order to make gender equality issues a part of the everyday agenda of all organizational units;
- Relevant centrally-established bodies should consider establishing regional bodies where appropriate;
- An independent body in the field of enforcing gender equality with appropriate competencies – such as an ombudsman for equal opportunities – should be considered;
- All actors involved should receive training on gender issues;
- The field of education and media should also take a leading role in building public awareness and positively influencing the situation in the field of equal opportunities;
- The Ministry of Education should adopt a comprehensive approach towards tackling the issues of gender roles and gender stereotypes;
- Adequate financial resources should be guaranteed for the implementation of the above recommendations.