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PRESS RELEASE

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A woman who achieved justice before the CEDAW still awaits compensation from the Slovak Government

In November 2016 the UN Committee on the Elimination of Discrimination against Women (CEDAW) decided in favour of a Slovak woman who successfully claimed to be discriminated against on the grounds of gender, marital and family status. The CEDAW decided that the domestic courts had failed to sufficiently protect the claimant from being discriminated against, and recommended the Slovak Government to provide her with adequate compensation. Unfortunately, the Slovak Government is yet to fulfil the recommendation, even though it is obliged to inform the CEDAW in the upcoming weeks on the measures it adopted in regards to the decision.

According to the non-governmental organization Center for Civil and Human Rights (hereinafter Poradna), which provided the affected woman with free legal aid in the proceedings before the CEDAW, the Slovak Government has failed to pay sufficient attention to the CEDAW's recommendations. The Committee recommended the Slovak Government to financially compensate the affected woman for moral damages, for legal costs in relation to her proceedings before domestic courts and the Committee, as well as for her loss of income after she was illegally made redundant by her employer. Poradna is concerned that the Slovak Government is again simply going to ignore the Committee's recommendations. In February 2016 the Slovak Government issued a resolution refusing to provide compensation to a Roma woman who successfully claimed a breach of her rights before the UN Committee on the Elimination of Racial Discrimination (CERD), which confirmed she was subject to racial discrimination and domestic courts wrongly assessed her legal case.

Poradna points out that the Slovak Government's response to the recommendations issued by the UN Committees in cases concerning human rights violations of individual claimants is alarming: *"According to a binding international convention, the Slovak Government is obliged to inform the CEDAW within six months about measures that have been taken with regard to its recommendations. Although a final date for sending information to the CEDAW is set in May 2017, the Slovak Government still did not provide the affected woman with any redress. We are concerned that the Slovak Government will simply refuse to compensate her, as it already did in another case decided by the UN CERD Committee against Slovakia. In our opinion, such response is contrary to international law and restricts access to justice for people in Slovakia,"* said Stefan Ivanko, program coordinator of Poradna.

With the Slovak Government meaning to discuss its written reply to the CEDAW's recommendations from November 2016 in the upcoming weeks, Poradna turned to the Prime Minister Robert Fico. By sending an open letter it called on the Slovak Government to respect the recommendations of the UN Committees and to provide the claimants with respective remedies. The letter was supported by a number of other Slovak NGOs.

Poradna emphasizes that the current response of the Slovak Government has also wider negative consequences on access to justice for people in Slovakia: *„As a matter of fact, the protection of human rights by the Slovak courts has its shortcomings. When a domestic court decides a case contrary to human rights law, the affected individuals have two options how to challenge the decision*

and achieve justice on international level. They can submit a complaint to the European Court of Human Rights in Strasbourg or they can turn to the UN Committees with an individual complaint. However, if the Slovak Government decides to not respect the decisions of the UN Committees, the latter, indeed, loses its importance for the people, and the Slovak Government effectively restricts peoples' access to justice," added Ivanco.

The affected woman who successfully claimed a breach of her rights before the CEDAW is also frustrated about the current situation: *"I am very disappointed by the Slovak Government's response to the CEDAW's recommendations, in particular in regards to the issue of compensation. Instead of receiving my compensation, I am now asked to pay the costs my former employer - who according to the CEDAW discriminated against me - incurred in domestic proceedings. I think that as a consequence of the Slovak Government's response, Slovakia no longer belongs to those democratic countries that respect the decisions and recommendations of the UN Committees,"* said the affected woman Ms. D.S.

Poradna with the support of the other Slovak NGOs calls on the Slovak Government to respect the CEDAW's recommendations from November 2016, to compensate the affected woman and to respect all the other recommendations by the UN Committees when they decide on human rights violations in individual cases.

The full text of the open letter is available here (in Slovak):

<https://www.poradna-prava.sk/en/documents/otvoreny-list-predsedovi-vlady-tykajuci-sa-potreby-respektovania-rozhodnuti-vyborov-osn/>

Context of the CEDAW's decision from November 2016

On 7 November 2016 the UN Committee on the Elimination of Discrimination against Women (CEDAW) adopted its decision in a case of discrimination of woman from Slovakia. The affected woman claimed to be discriminated against based on her gender, marital and family status after she had been dismissed from her workplace. The CEDAW pointed out the insufficient legal protection in cases of discrimination and recommended the Slovak Government to provide the affected woman with adequate compensation.

More detailed information about the case of Ms. D.S. and the CEDAW's decision are available in our press release from November 2016 (in English):

<https://www.poradna-prava.sk/en/news/according-to-the-un-cedaw-committee-slovakia-failed-to-provide-adequate-protection-against-discrimination-to-a-woman-after-paren/>

The full text of the decision of the CEDAW in the case of D.S. against Slovakia from 7 November 2016 is available here (in English):

<https://www.poradna-prava.sk/en/documents/views-adopted-by-the-cedaw-committie-in-the-case-of-d-s/>

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The Center for Civil and Human Rights (Poradna) is a non-governmental organization based in Slovakia focused on the protection of human rights with particular emphasis on the rights of minorities and protection from discrimination. Poradňa has for a long time worked on the issue of discrimination against Roma ethnic minority in various areas of public life. It has also been active in the protection of reproductive rights and protection from police brutality. Poradňa employs strategic litigation to combat discrimination and human rights abuses against minorities. Poradňa offers free legal advice to victims of discrimination and in selected cases free legal representation to victims of discrimination before courts. It also conducts monitoring in the field, advocacy, and educational activities on the topic of protection from discrimination for lay and expert audiences. Visit us at www.poradna-prava.sk

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