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PRESS RELEASE

In Košice, Slovakia, 30 November 2016

According to the UN CEDAW Committee Slovakia failed to provide adequate protection against discrimination to a woman after parental leave.

The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) adopted its View in a case of discrimination of woman from Slovakia. The affected woman claimed to be discriminated against based on her gender and marital and family status once she had been dismissed from her work place. The UN CEDAW Committee pointed to the insufficient legal protection in cases of discrimination and recommended Slovak Government to provide affected women adequate financial compensation.

Ms. D. – the applicant in this case was employed by the Slovak National Library (SNK) in Martin as a Research and Development worker. In December 2001, she went on maternity leave which she combined with parental leave and after having had her two children, she resumed work on 10 January 2008. Upon her return, she had been ordered by the employer to take her accrued annual leave of 42 days which she had not taken during her maternity leave. While she was on leave, the SNK was reorganised and her post was abolished. During the conversation the Director stated that the decision to dismiss Ms. D. was partially due to the fact that she had two small children and had just come back from leave and was the only one who was nobody's "protégé". The Deputy also openly expressed concerns that Ms. D. would be frequently absent when her children fell sick.

Although the post of Ms. D. was abolished, another person (a pensioner) was hired by the SNK to perform duties similar to those previously performed by Ms. D.

Ms. D. submitted a complaint to the Slovak court in order to seek protection against discrimination on the grounds of gender and her family and marital status. Slovak courts dismissed her complaint as manifestly ill founded.

In February 2013 after she exhausted all available domestic remedies, Ms D. submitted an individual complaint to the UN CEDAW Committee. She claimed Slovakia in her case violated its international obligations by not providing her adequate protection from discrimination.

The UN CEDAW Committee is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women, Slovakia also ratified. The Committee also provides its Views in individual cases of human rights violations by the State parties.

The UN CEDAW Committee in its View adopted on 7 November 2016, concerning communication No. 66/2014, ruled that Slovakia violated the rights of Ms. D. guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women. Specifically the State party violated her rights by not providing her protection from discrimination on grounds of gender and family and marital status in employment. The Committee considered that the arguments presented by Ms. D. before domestic courts were sufficient to make *prima facie* claim of discrimination and that requesting

additional proof of discriminatory behaviour by the employer put a disproportionate burden to the discriminated person.

The UN CEDAW Committee recommended the Slovak Government to provide Ms. D. with effective remedy including monetary compensation equivalent to the loss of income and also moral damages. The Committee further called for effective implementation of the domestic Anti- Discrimination in a future.

The Center for Civil and Human Rights provided Ms. D. legal representation before supreme and constitutional courts and also in proceedings before the UN CEDAW Committee.

On the request of Ms. D., the text of the View will be made public, without disclosing her identity.

“Unfortunately, many women in Slovakia are facing discriminatory treatment in their workplace. Personally I regret that a person responsible for my discrimination is still in managing position at my former employer. I decided to speak up and combat discrimination I faced by legal means of protection. I am happy to finally achieve justice in my case. Although it is sad I did not succeed in Slovakia and had to turn to the UN CEDAW Committee. I believe my case will inspire also other women to stand up for their rights.” said Ms. D. in her reaction to the Committee’s decision.

“The Committee in its View indicated that protection against discrimination often remains only on paper in Slovakia. The good domestic anti – discrimination legislation is worthless when it is not effectively implemented in practice. The domestic courts must provide effective protection against discrimination by their decisions. I believe the CEDAW Committee’s View will be good guideline to the domestic courts on how to proceed in the cases of discrimination. Now it is up to the Slovak Government to fulfil the Committee’s recommendations from the View and provide Ms. D. with effective remedy”. said Vanda Durbáková, attorney working with Center For Civil and Human Rights and legal counsel of the applicant.

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Additional information:

The UN CEDAW Committee’s decision is available in English here:

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

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Information about the NGO:

The Center for Civil and Human Rights (*Poradňa pre občianske a ľudské práva*) is a non-governmental organisation based in Slovakia focused on the protection of human rights with particular emphasis on the rights of minorities and protection from discrimination. Poradňa employs strategic litigation to combat discrimination and human rights abuses against minorities. Visit us at www.poradna-prava.sk/en/.

You can support our work also by providing us with [financial contribution](#).

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