



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

CENTER FOR CIVIL AND HUMAN RIGHTS
KRIVÁ 23, 040 01 KOŠICE, SLOVENSKO

» telefón/fax: 055 – 68 06 180 » mobil: 0908 69 55 31
» www.poradna-prava.sk » poradna@poradna-prava.sk
» IČO: 37 86 72 70 » bankove spojenie: 5519629/5200

PRESS RELEASE

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The UN has recommended to compensate a discriminated woman, but the Slovak government refuses to do so.

The government of the Slovak Republic refuses to compensate the woman whose human rights violation was decided in November 2016 by the UN Committee on the Elimination of Discrimination against Women (CEDAW). According to the affected woman's lawyer, the Slovak government has grossly ignored its international legal obligations in the field of human rights.

The woman turned to the UN Committee after she unsuccessfully sought redress for discrimination by her employer at the Slovak courts. In its November 2016 decision, the UN Committee acknowledged that domestic courts had failed to provide sufficient protection against discrimination and, inter alia, recommended that the Slovak Government should pay her financial compensation.

The Slovak government adopted a statement to the Committee's decision on its session in early May 2017, which it subsequently sent to the Committee. The Government did not disclose its statement on the matter and even refused to inform the affected woman and her legal representative about the content of the matter, on the grounds that the communication between the government and the Committee was confidential. Thus the government's statement was sent to the affected woman by the Committee itself later.

The Slovak government has agreed with the CEDAW's decision in the part that refers to the need to ensure effective implementation of anti-discrimination legislation and to improve future decision-making of Slovak courts in this area. In its statement, the government has stated that it has been taken measures in this regard for a long term.

However, the Slovak government rejected the Committee's recommendation that the affected woman should be provided with effective remedy including financial compensation equivalent to the loss of income and also moral damages for her illegal dismissal. The government has questioned the power of UN committees to decide on financial compensation for individuals in cases where they decide on violations of their rights on the basis of individual complaints. In addition, the government has stated that, in its view, the recommendations of UN committees are not legally binding.

Vanda Durbakova, the lawyer of the affected woman, has turned to the UN Committee with a statement referring to repeatedly communicate to the government the need to compensate the complainant and insist on it in this regard.

According to Durbáková the current position of the Slovak government does not have any legal ground: *“The government’s standpoint is, in my opinion, contrary to the international law and has wider negative consequences for access to justice for people in Slovakia. We all know that decision-making of Slovak courts has its shortcomings. Beside the European court in Strasbourg the UN committees are the only place where people can seek remedies when domestic courts make a failure. The Government by this standpoint showed that it does not take decisions of the UN committees seriously. When the UN committees decide about violations of rights of people and recommend to compensate them, the Government simply ignores it. Nevertheless, the UN committees decide about violation of rights on the ground of the international treaties, which are binding for Slovakia.”*

The affected woman commented on the current situation: *“I find the position of the Slovak government to ignore the decision of the UN Committee inhuman and ignorant. I believe that the government will reconsider its position and will proceed in line with the CEDAW’s decision concerning my compensation. I am disappointed that I live in a country where the government does not respect mothers and their families. The government’s inability to respect international human rights treaties that are legally binding Slovakia is damaging not only me, but also Slovakia’s credit worldwide. ”*

Free legal representation in proceedings before the UN Committee was provided to the affected woman by the Slovak NGO Center of Civil and Human Rights (Poradna), which makes an effort to change the position of the government to compensate the affected woman - in particular through further communication with the UN Committee, the Slovak Government and the relevant Ministries.

Context of the case and 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 Ms. D.S. from Slovakia, who sought redress for discrimination on a part of her employer. He released her illegally from work after returning from parental leave. The Committee decided that the Slovak Republic had violated the Convention on the Elimination of All Forms of Discrimination against Women, because it did not ensure effective protection against discrimination against the affected woman. In addition CEDAW recommended the Slovak Government to provide the affected woman with adequate compensation and redundancy after dismissal. More detailed information about the case of Ms. D.S. and the CEDAW’s decision are available in our press releases from November 2016 (in English) and from April 2017 (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/>

<https://www.poradna-prava.sk/en/documents/a-woman-who-achieved-justice-before-the-cedaw-still-awaits-compensation-from-the-slovak-government/>

Full text of decision of the Committee on the Elimination of Discrimination against Women in the case of D.S. against Slovakia from 7 November 2016 in the English language:

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

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Contact information: Vanda Durbáková – lawyer cooperating with of the Center for Civil and Human Rights (Poradna), +421 908 659 531, poradna@poradna-prava.sk

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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