

SLOVENIA

Follow-up - State Reporting Action by State Party

CEDAW, CEDAW/C/SLN/CO/4/Add.1 (2010)

Information provided in follow-up to the concluding observations of the Committee

Response by Slovenia to the recommendations contained in the concluding observations of the Committee following the examination of the fourth periodic report of Slovenia on 24 October 2008

Introduction

1. At the 42nd session, held on 24 October 2008 in Geneva, the Committee on the Elimination of Discrimination against Women considered the fourth periodic report of Slovenia on the implementation of provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/SVN/4). In its concluding observations (CEDAW/C/SVN/CO/4), the Committee requested Slovenia to provide, within two years, written information on steps undertaken to implement the recommendations contained in paragraphs 14 and 28.

Information on steps undertaken by the Government of the Republic of Slovenia with regard to paragraph 14

Authority and status of the Office for Equal Opportunities

2. The Government of the Republic of Slovenia is aware of the importance of achieving gender equality, strengthening the status and the role of women and full implementation of its obligations as a State party to the Convention on the Elimination of All Forms of Discrimination against Women. The Government views gender equality as a right of both women and men and as a sine qua non of democracy, and requirement for security and development. That is why it established a government office for promoting equality of women and men in 1992. The Government Office of the Republic of Slovenia for Equal Opportunities has its own budget that ensures the implementation of activities in working areas defined by the Government decision of the Republic of Slovenia on its establishment, organization and responsibilities, Equal Opportunities for Women and Men Act, Implementation of the Principle of Equal Treatment Act and Resolution on the National Programme for Equal Opportunities for Women and Men (2005 - 2013).

3. Although the Government has added certain functions to the mandate of the Office for Equal Opportunities in the area of preventing and eliminating discrimination, it has not been

transformed into a general national body for elimination of discrimination. The vast majority of the Office's tasks are to promote and support the elimination of all forms of discrimination against women and, where appropriate, implementation of activities aimed at accelerating the achievement of gender equality.

4. In accordance with the aforementioned acts and programme, the Office for Equal Opportunities has the following responsibilities:

Government Decision of the Republic of Slovenia on the establishment, organization and responsibilities of the Office for Equal Opportunities (Official Gazette no. 4/93, 71/94, 23/96, 47/97, 23/99 in 119/00) mandates the Office to:

- coordinate the formation of policies and the preparation of regulations in the area of preventing and eliminating discrimination, in particular in transferring regulations of the European Union on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and in regard to a general framework for equal treatment in employment and occupation;
- monitor the status of women and their enjoyment of human rights determined by the constitution, acts and international treaties;
- consider acts, regulations and measures proposed by the Government of the Republic of Slovenia and sectoral ministries from the gender equality perspective and submit its opinions and proposals before their approval;
- cooperate in the preparation of acts, regulations and measures prepared by the ministries in order to integrate gender perspective and accelerate the achievement of gender equality;
- submit to the Government and ministries initiatives and proposals of measures required for the achievement of gender equality and prevention and elimination of discrimination;
- prepare analysis, reports and other information in the area of gender equality;
- encourage the achievement of gender equality through information and awareness raising activities;
- cooperate with nongovernmental organizations that work towards achieving gender equality;
- on the basis of valid regulations and procedures, represent the Government of the Republic of Slovenia in gender equality work of international and regional organizations.

Equal Opportunities for Women and Men Act (Official Gazette of RS no. 59/02) has given additional responsibilities to the Office to:

- monitor the implementation of this act and regulations approved on its basis;

- coordinate activities to implement the strategy of gender mainstreaming as well as to ensure professional support in the development of adequate methods and techniques for effective use of this strategy in all policies and programmes;

- coordinate the preparation of the National Programme for Equal Opportunities for Women and Men, prepare a proposal of biannual periodic plans to achieve goals of the national programme, monitor the implementation of periodic plans and coordinate the preparation of biannual reports of the Government to the National Assembly of the Republic of Slovenia on measures, activities and achieved results in the implementation of the national programme.

Implementation of the Principle of Equal Treatment Act (Official Gazette of RS no. 93/07 Official Consolidated Text 1) has extended the area of work of the Office to:

- coordinate activities of individual ministries and government offices regarding the implementation of this act;

- carry out technical and administrative tasks for the Council for the Implementation of the Principle of Equal Treatment that works as an expert and consultative body of the Government and monitors and evaluates the status of individual social groups in terms of implementing the principle of equal treatment;

- submit to the Government reports prepared by the Advocate of the Principle of Equality regarding his/her work.

Resolution on the National Programme for Equal Opportunities for Women and Men 2005 - 2013 (Official Gazette of RS no. 100/2005) and periodic plans that are implementing acts of the national programme instruct the Office for each biannual period to:

- implement concrete tasks and activities in individual areas of the national programme in which the Office is defined as a carrier or an operator of the activities;

- cooperate in the implementation of those activities in which it is determined as a cooperating body.

Budget funding, other sources of financing, and human resources

5. As in previous periods, the amount of funding for the Office from the budget slightly increased in 2009 and 2010, in particular to strengthen its important role in accelerating effective use of gender mainstreaming in all governmental policies and programmes. The Office has also received additional budget funds for the implementation of tasks regarding the prevention and elimination of discrimination based on other personal grounds. In 2009 and 2010, the Office was awarded budget funding of 450,258 Euros and 639,280 Euros, respectively. Part of funds intended for the implementation of certain projects of the Office came from programmes funded by the European Union.

6. In order to ensure the realization of research and analyses whose findings are needed for the

Government of the Republic of Slovenia to adequately react by developing and implementing gender equality policies to the actual status and role of women and men in different social areas, taking into account obstacles that prevent accelerated achievement of substantive gender equality, the expectations of women and men, and the economic and social reality, the Office cooperates with sectoral ministries and institutions, in particular with the Slovenian Research Agency, within the framework of the Target Research Programme that co-finances the implementation of research and analysis initiated by the Office.

7. The Office employs 10 experts which puts Slovenia among the European countries, which, in terms of population as well as authority and tasks, have relatively large gender equality institutions. The Government of the Republic of Slovenia is aware that although Slovenia is a small country, it must ensure effective functioning of all state institutions. That is why the questions of adequacy of the personnel and sufficiency of budget funding for the operations of the Office are discussed within the framework of a complete assessment of the adequacy of national institutional mechanisms in the area of gender equality and non-discrimination (please refer to paragraphs 10 to 13 below).

8. With the implementation of the Equal Opportunities for Women and Men Act all ministries are obliged to integrate the principle of gender equality in the formation of policies and programmes in areas of their competency, and assess their implementation with due consideration of gender equality and progress achieved in reaching set goals. The implementation of this pledge is increasing the number of experts in governmental structures that are constantly strengthening their capabilities and skills to integrate gender equality into their daily routine, and plan possibilities and capabilities for a more effective influence of policies to eliminate existing gender inequalities.

9. The human resources policy of the Government and the national budget that funds the Office for Equal Opportunities are limited with fiscal sustainability that derives from economic situation and development planning policy.

Advocate for Equal Opportunities for Women and Men

10. The Government of the Republic of Slovenia regularly monitors and evaluates the adequacy of institutional mechanisms established to promote gender equality and prevent and eliminate discrimination against women due to any personal ground or situation during their entire life span. Aware of its responsibility to fulfil obligations that were made by the Republic of Slovenia with accession and ratification of seven major international human rights instruments, European human rights treaties, obligations that derive from political pledges, membership in the European Union, as well as of accountability for effective implementation of legal norms in the national legislation, and accelerated accomplishment of political goals defined in programme documents, the Government is currently again comparing existing institutional mechanisms with international and European standards and approaches to establishing such institutional structures by other member states of the European Union.

11. The Government took into consideration the indications about inadequate status of the Advocate for Equal Opportunities for Women and Men and/or Advocate of the Principle of

Equality that were received from the Committee on the Elimination of Discrimination against Women and other international, regional and domestic institutions including the National Assembly of the Republic of Slovenia and Human Rights Ombudsman. The recommendations on strengthening governmental institutions with regard to gender equality have also been taken seriously and responsibly. For that reason, the Office for Equal Opportunities has been entrusted with additional duties and functions that are based on the provisions in the aforementioned documents and other governmental decrees.

12. In June 2010, the Government set up an Inter-ministerial Working Group to prepare a proposal of a comprehensive institutional arrangement for ensuring equality and protection against discrimination. Its members are experts from three ministries (Ministry of Public Administration, Ministry of Labour, Family and Social Affairs and Ministry of Foreign Affairs), governmental offices with mandates in the area of equal opportunities, youth, nationality and religious groups, Secretariat-General of the Government of the Republic of Slovenia and Advocate of the Principle of Equality. The Inter-ministerial Working Group is authorised to, where needed, invite representatives of other ministries and governmental offices and Human Rights Ombudsman to its meetings. The Government has instructed the Working Group to prepare:

- an analysis of current institutional mechanisms for ensuring equality and protection against discrimination in the Republic of Slovenia;
- an analysis of obligations of the Republic of Slovenia in relation to EU legislation and obligations that derive from international human rights instruments to which Slovenia is a State party;
- a proposal of a new concept of institutional mechanisms that will encompass arrangement in the area of policy-making and arrangement with regard to promoting equality, monitoring the status of the relevant social groups and providing legal support and assistance to victims of discrimination.

The Office for Equal Opportunities performs expert and technical tasks for the Inter-ministerial Working Group. The Working Group has been mandated to submit a proposal of a new concept to the Government of the Republic of Slovenia by the end of October 2010.

13. The analyses to be prepared by the Inter-ministerial Working Group will include an overview of existing governmental bodies with policy-making powers in the area of non-discrimination, including governmental bodies for gender equality, their position in the hierarchy of governmental structures and authority, as well as an overview of national bodies for promoting equality and authorised to provide independent advice and assistance to alleged victims of discrimination, implement independent researches and analyses, publish independent reports, and recommend measures to policy-makers. The analysis will include an overview of legal nature of decisions that are adopted by independent national bodies for equality in the countries of the European Union.

14. The Inter-ministerial Working Group has not yet finalized the concept proposal, however,

it will take into consideration all relevant international standards, including the so-called Paris Principles, and will derive from a comparative analysis of the existing institutional arrangement in Slovenia and other member states of the European Union. The proposal will also take into consideration indications on the inadequate status of the Advocate of the Principle of Equality and recommendations on strengthening the Office for Equal Opportunities as a governmental body that makes proposals to the Government and ministries on measures and activities for achieving substantive equality.

Information on steps undertaken by the Government of the Republic of Slovenia with regard to paragraph 28

Participation of women in political life

15. The Government of the Republic of Slovenia is aware that it must ensure full exercise of women's rights on the basis of gender equality in all areas that are regulated by the Convention on the Elimination of All Forms of Discrimination against Women, including their right to participate in political life and in political decision-making at all levels. It is also aware that equality of women in this domain must be achieved by employing all appropriate measures and with no further delay. Gender balanced representation in the Equal Opportunities for Women and Men Act is defined as a minimum 40 per cent participation of women and men in political decision-making, and is one of the goals of this act, as well as one of the strategic goals of the Resolution on the National Programme for Equal Opportunities for Women and Men 2005-2013. The Equal Opportunities for Women and Men Act and the Implementation of the Principle of Equal Treatment Act have created a legal basis for using temporary special measures in preventing and eliminating the effects of unequal status of women in comparison with men or as a substitution for their less favourable position. In the form of gender quotas in formulation of lists of candidates, temporary special measures were used in complementing and changing the three acts that regulate elections in Slovenia (see the fourth periodic report of the Republic of Slovenia (CEDAW/C/SVN/4) and responses to the Committee's list of issues and questions (CEDAW/C/SVN/Q/4/Add.1)).

16. Following the introduction of the minimum shares of representation of women and men on the lists of candidates (gender quotas) into the electoral legislation, there has been one general election to the National Assembly and two local elections and elections of the Members of the European Parliament of the Republic of Slovenia. The introduction of gender quotas has had positive effects on the increase in the share of women on the lists of candidates, since the average share of women candidates has surpassed the minimum share provided for in legislation in all elections, while the electoral sample is too small to assess the effects of the introduction of quotas for increasing the share of the women elected.

17. Findings of the analysis of the elections to the National Assembly of the Republic of Slovenia in 2008 that was carried out for the Office for Equal Opportunities by an external institutions have shown a certain level of deficiency in the legislated gender quotas for the composition of lists of candidates. In the electoral system applicable to elections to the National Assembly, it was not possible to complement the gender quota provision with the ranking order of women and men on the lists of candidates.

18. Previous experiences have shown that the number of elected women was highest in the proportional system with only one constituency (system used for elections to the European Parliament), lower in the proportional system with constituencies and districts (system used for elections to the National Assembly), and lowest in the majority-rule system (election of mayors and municipal councillors where a majority-rule system is used). Experience has also shown that political parties do not have problems ensuring an adequate number of women candidates. Consequently, different meetings and debates have posed the question of justification for the introduction of the 35 per cent binding gender quota as a target share of women and men on the elections to the National Assembly (the transitional provision of the act has mandated only a 25 per cent gender quota for the first elections, held in 2008, following the entry into force of the act). The other two electoral acts stipulated a 40 per cent share. Such share is also contrary to the Equal Opportunities for Women and Men Act and its definition of gender-balanced representation.

19. In 2009, the Ministry for Public Administration started to prepare amendment proposals to the National Assembly Elections Act that would abolish electoral districts that prevent voters from having a deciding influence on who is elected to parliament. Such changes that are foreseen in the Coalition Agreement on Cooperation in the Government of the Republic of Slovenia for the 2008-2012 term are considered also as potential for increasing the possibility of women being elected.

20. In December 2009, the Office for Equal Opportunities organized an expert meeting for the evaluation of the draft act on amendments to the National Assembly Elections Act in terms of introducing adequate measures for ensuring gender-balanced representation in the National Assembly. Some important women representatives from the academic sphere and non-governmental organizations attended the meeting. They also considered the draft proposal of the Act as a good initiative and gave additional proposals to ensure a positive influence of gender composition of the list of candidates on the possibility for women to be elected. The office has informed the Minister for Public Administration of the proposals which were subsequently presented to the Working Group for the preparation of amendments to the electoral legislation.

21. At its 3rd session in February 2010, the Commission of the National Assembly for Petitions, Human Rights, and Equal Opportunities was informed about the findings of the analysis of the elections to the National Assembly in 2008. The Commission proposed that the Government and the National Assembly study, whether, in order to increase the number of women in management of public affairs in state bodies and bodies in local communities, they should change legislation and/or the electoral system in a way that it would enable a higher representation of women.

22. In May 2010, the Office for Equal Opportunities and the Commission of the National Assembly for Petitions, Human Rights, and Equal Opportunities organized a meeting on measures for increasing the number of women in politics. Starting points for the debate were the extremely low percentage of elected female members of parliament, the low percentage of women mayors, and recommendations by the Committee on the Elimination of Discrimination against Women, to which we are responding with this report. Conclusions of this meeting also

confirmed that in changing electoral legislation, we needed to take into consideration the role of electoral system in ensuring greater electability of women. They also pointed out the responsibility of the government and parliament in adopting measures for a balanced representation of women and men in political decision-making, further and effective endeavours for changing the mentality and attitude towards women in politics which is influenced by gender stereotypes and prejudices, the role of the media and clearly expressed support to greater participation of women by the political parties. Participants in the meeting also agreed that the Government should increase its support (including financial support) to non-governmental organizations that work towards achieving gender equality, and ensure funds to projects and programmes of formal women's groups and groups for equal opportunities in political parties. Regarding the latter, a proposal was submitted in order for the amendments of the Political Parties Act to oblige parties to allocate a certain percentage of funds received from the national budget towards strengthen the status and role of women in their parties.

23. Regarding the financing of formal women's groups and groups for equal opportunities that function inside political parties, the Office for Equal Opportunities has prepared an initiative to study the possibility of establishing financing of these groups by changing the Political Parties Act following the example of the provisions of an article of the same act that enables the Office of Youth to finance youth organizations and youth wings of political parties. In this way, women's groups in political parties could access the means to co-finance endeavours for equal opportunities of women and men in parties, in particular to implement plans for encouraging a more balanced representation of women and men in party bodies and lists of candidates as required by the Equal Opportunities for Women and Men Act.

24. The proposed amendments to the National Assembly Elections Act are in the process of acquiring sufficient wider political support since the abolition of electoral districts is facing strong opposition from certain parts in the political life. However, the Working Group preparing changes to the act has adopted a proposal of the Office for Equal Opportunities to change the current binding minimum 35 per cent gender quota for the composition of lists of candidates to a 40 per cent minimum share, and to add to the act a new provision on the composition of lists that would prescribe that candidates in the first half of the list are distributed alternately according to gender whereby four (from eight in total) electoral constituencies would have a female candidate heading the list and the remaining four would have a male candidate heading the list.

Efforts to promote women to positions of mayor, and temporary special measures

25. The Government of the Republic of Slovenia did not carry out activities to specifically increase the share of women mayors in the last biannual period. At the meeting of the National Assembly mentioned in paragraph 22 above, it was pointed out that there were setbacks, as indicated by the percentage of elected women mayors in local elections in 2006 (3.3 per cent), but the participants in the meeting did not give any specific proposals on increasing the election potential of women candidates as mayors.

26. Among the projects submitted in a public tender for financing non-governmental organization projects in the area of gender equality, the Office for Equal Opportunities chose a project intended to raise awareness and promote the significance of equal representation of

women and men on elective positions at the local level, and encourage the integration of policies on gender equality in programmes of local parties and lists of candidates.

Awareness-raising campaigns and capacity-building initiatives for women's participation in political life

27. The Office for Equal Opportunities regularly carries out an analysis of all elections and informs the media, non-governmental organizations, political parties and other stakeholders about the findings. Before an election, the Office, while respecting fully the independence of the media and the freedom of expression, encourages the media to ensure an equal presence of women and men in debates of candidates during the pre-electoral activities, and to ensure a balanced and non-stereotypical image of women and men in media contents, so as to contribute to the achievement of gender equality as a human rights principle.

28. By 2004, the Office for Equal Opportunities was carrying out activities to strengthen the political power and influence of women in parties, and to support the visibility of women candidates in elections. After 2004, due to instructions from the Government that such activities were contrary to Article 21 of the Political Parties Act which forbids financing parties from the state budget, the Office has not organized concrete capacity-building initiatives for women candidates and has not co-financed women's groups working within political parties (please refer to paragraph 23 above).