

## QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON SLOVENIA

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In some cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

**Issues** are highlighted. References from the National Report are *in Italics*.

**Recommendations** - including those from UN treaty-monitoring bodies, are at the end of the document.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW ratified. Rome Statute ratified. Palermo Protocol ratified. (all without reservations)

### Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Children's rights (22-24), Rights of persons with disabilities (25), Protection of the rights of national and other ethnic communities (26-29), Education of members of national and other ethnic communities (30-31), Cultural rights of the national and other ethnic communities (32), Domestic violence (33-40), Trafficking in human beings (41-43), Rights of aliens and asylum seekers (44-48), Freedom of conscience (50), Poverty (51), Health care (54), Right to adequate housing (55-57), Right to work (58-60), Migrant workers (61)

ISSUE	N Report	Compilation	Summary
<b>Abortion</b>			Late-term abortions (16)
<b>Equality and Non discrimination</b>	Constitutional status (4) Legislation on gender equality (14) Equal Opportunities Act (17)	Legislation and Organisms (3)	Legislative and institutional achievements (7)
<b>Gender mainstreaming</b>	Progress in government policies, Programmes, actions plans (17, 19)		
<b>Maternal mortality /maternal health</b>		High rates (29) High rate in Roma community (31)	
<b>Non tradicional families</b>	Constitutional court decision to amend inequal inheritance legislation for same-sex couples (20) Family Code		Unequal legislation on social, family and inheritance rights (9) Law on Registered Same-Sex Partnership. Unequal rights

	under debate introduces equal status to heterosexual and same-sex couples (24)		in social security (32)
<b>Participation in public and political life</b>		Improvements in electoral legislation. Low proportion increase in parliament and municipal councils (25)	
<b>Patriarchal attitudes/stereotypes</b>		Stereotypic images of women and their social role (12)	
<b>Reproductive health/rights</b>		See Recommendations, CEDAW (29)	
<b>Right to education</b>	Elementary School Act promote equality for Roma community, foreign nationals and children with special needs (Para 52)	Free compulsory primary education. Decrease of primary enrolment ratio. High dropout in secondary education (32)	
<b>Right to health</b>			See Recommendations, SRI (35)
<b>Right to social security</b>			Parental leave right. Balance between work and family. (11)
<b>Right to work</b>		Gender inequalities esp. at labour market and in access to high-level public level positions (13) Vertical segregation and gender gaps in labour market (26)	Gender wage gaps. Stereotyped roles in countryside areas. (11)
<b>Roma women</b>		Discrimination in education, health, housing and employment. High dropout rates among girls (15)	
<b>Rural women</b>		Lack of access to education, health care services and economic activities (30)	
<b>Sexual Violence</b>		Sexual harassment in workplace (27)	
<b>State Institutions/ Plans of Actions</b>	Network of maternity homes and shelters for women (65)		
<b>Trafficking of women/ Forced prostitution</b>		Trafficking for prostitution. High prevalence. No sentences issued yet (18)	High rates. Witness-protection law to combat forced prostitution and trafficking (17)
<b>Violence against Women /Gender Violence</b>	National Programme (35) Family Violence Prevention Act (33) Training of police officers on domestic violence prevention (68)	Defined as criminal offence. Protection of victims. Still high prevalence. Murders (17)	Lack of victims' reports due to fear of censure or reprisal. Domestic violence is classified as public disturbance (15)

## Abortion

As currently **late-term abortions occur** and they might **constitute a serious health** risk for women  
( ) (Para 16, Summary)

See Recommendations, Sexual Rights Initiative - SRI (16)

### **Equality and non-discrimination**

*( ) the general **principle of equality** and specific constitutional provisions are defined in greater detail in individual laws, particularly the Human Rights Ombudsman Act, Implementation of the Principle of Equal Treatment Act, Equal Opportunities for Women and Men Act, Family Violence Act, and Personal Data Protection Act. (Para 4, NR) **Article 14 of the Constitution** stipulates that everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of ( ) sex ( ) or any other personal circumstance. ( ) **Gender equality** is also provided by certain laws such as the Implementation of the Principle of **Equal Treatment Act**, including individual provisions of different laws (e.g. the provision of the Penal Code incriminating the **violation of equality as a criminal offence**; the provision of the Employment Relationship Act **prohibiting discrimination**; provisions of **procedural laws guaranteeing the equality of parties** to criminal, civil, administrative and tax procedures) (Para 14, NR) The **Equal Opportunities for Women and Men Act** provided for the fundamentals in improving the situation of women and creating equal opportunities for women and men by **removing obstacles** to establishing gender equality, by **preventing and eliminating unequal treatment of persons on the basis of their gender as a form of discrimination** and by **creating the conditions for establishing equal representation** of women and men in all spheres of social life (Para 17, NR)*

In 2006, the Committee on Economic, Social and Cultural Rights (CESCR) welcomed the **amendment to article 14 of the Constitution** banning discrimination between men and women, the entry into force in 2002 of the Equal Opportunities for Women and Men Act and the establishment of the Equal Opportunities Office (Para 3, Compilation). In 2005, the Council of Europe Commissioner for Human Rights (CoE-Commissioner) welcomed the legislative and institutional developments in **combating discrimination** (Para 7, Summary)

See Recommendations, CoE-Commissioner (7)

### **Gender mainstreaming**

*In Slovenia, **gender equality is a right**, a goal and a horizontal principle permeating all spheres of life of women and men in all life periods ( ) The year 2005 saw the adoption of the National Programme for Equal Opportunities for Women and Men 2005-2013, which is being implemented by ministries and government offices through two-year periodic plans ( ) (Para 17, NR). Notable progress in the government policy for the **strengthening of the role and the situation of women and guaranteeing gender equality was achieved in education, employment, equal pay for equal work, violence against women and trafficking in women and girls**. The progress was facilitated by the new legislation, the national programme and action plans for equal opportunities for women and men as well as by the implementation of specialized action plans and programmes: action plans on the fight against trafficking in human beings, 2009-2014 National Programme on Prevention of Family Violence; providing regular information for women and relevant stakeholders; systematic awareness-raising of the public and target groups; education, training and cooperation with non-governmental organizations, trade unions, research and educational institutions; **encouraging media to assume positive role in ensuring gender equality and the inclusion of men in endeavours towards gender equality**. (Para 19, NR)*

See Recommendations, the Committee on the Elimination of Discrimination against Women - CEDAW (6)

## Harmful traditional (customary) practices/traditional mindsets leading to SR abuses

### Maternal mortality/maternal health

In 2008, CEDAW remained concerned at the persistence of the high maternal mortality rate in Slovenia (Para 29, Compilation). In 2004, The Committee on the Rights of the Child (CRC) was concerned at the ( ) relatively high maternal mortality rate in the Roma community (Para 31, Compilation)

See Recommendations, CEDAW (29); CRC (31)

### Non-traditional families

*Decision U-I-425/06-10 of July 2009 of the Constitutional Court established the inconsistency of Article 22 of the Registration of a Same-Sex Civil Partnership Act regulating inheritance with Article 14, paragraph 1, of the Constitution. The Court establishes that the position of partners in registered same-sex partnerships is in its essential factual and legal aspects comparable with the position of spouses as regards the right to inheritance from a deceased partner. The differences in the regulation of inheritance between spouses and between partners in registered same-sex partnerships are therefore not based on any objective, non-personal circumstance, but on sexual orientation. Until the established inconsistency is remedied, the same rules apply for inheritance between partners in registered same-sex partnerships as apply for inheritance between spouses in accordance with the Inheritance Act. The National Assembly is obliged to remedy the established inconsistency within six months from the publication of this decision (Para 20, NR)*

*A new Family Code that is currently under public debate regulates comprehensively the entire family law, strengthening the influence of the state on relations within the family for the child's benefit. The novelties include (among others) the introduction of equal status to same-sex partnerships and heterosexual partnerships. (Para 24, NR)*

SRI informed that ( ) the law did not afford the same social, family, and inheritance rights as those granted to heterosexual married couples. The court had not yet issued a ruling on the matter (Para 9, Summary). In 2005, CoE-Commissioner welcomed the enactment of the Law on Registered Same-Sex Partnership, but regretted that it does not guarantee full equality for sexual minorities in the area of social security. The law falls behind increasingly common legal standards in many EU countries and the general principle of non-discrimination (Para 32, Summary)

### Participation in public and political life

In 2008, CEDAW commended Slovenia for the adoption of the constitutional amendment promoting equal opportunities for women and men standing as candidates in elections and the amendments to the National Assembly Elections Act and the Local Elections Act requiring balanced representation of both sexes on the candidate lists; the adoption of the Implementation of the Principle of Equal Treatment Act in May 2004 and the subsequent inclusion of the prohibition of discrimination in many laws. It was concerned at the lack of results achieved pursuant to the introduction of the quota system through the amendment to the National Assembly Elections Act. A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament increased from 12.2 per cent in 2005 to 13.3 per cent in 2009. CEDAW noted the increase of the proportion of women elected to municipal councils from 13.1 to 21.5 per cent in the last elections in 2006, but was concerned that the share of women mayors fell from 6 to 3 per cent during the same period of time (Para 25, Compilation)

See Recommendations, CEDAW (25); HR Committee (25)

### **Patriarchal attitudes/stereotypes**

In 2008, CEDAW was concerned at the persistence of **stereotypic attitudes towards women and their role in the society** (Para 12, Compilation)

See Recommendations, CEDAW (12)

### **Reproductive health/rights**

See Recommendations, CEDAW (29)

### **Right to education**

*The Constitution guarantees fundamental rights pertaining to education. () The Elementary School Act also deals with the rights of the national communities, rights of the **Roma community, foreign nationals and children with special needs** (Para 52, NR)*

In 2008, the ILO Committee of Experts recalled that, by virtue of article 57 of the Constitution, **primary education shall be compulsory and financed by public resources**. A 2009 United Nations Statistics Division source indicated that the net enrolment ratio in primary education decreased from 97.3 per cent in 2005 to 97.2 per cent in 2007. In 2004, CRC was concerned about the **high school dropout rate in secondary education** (Para 32, Compilation)

See Recommendations, CRC (32)

### **Right to health**

See Recommendations, SRI (35)

### **Right to social security**

SRI stated that some 60 per cent of Slovenia's women are in the workforce. High number and full time employment of women has been supported by **parental leave arrangements, including individual right of fathers to paternity leave, 100 per cent wage compensation for maternity, parental and paternity leave**, provision of accessible and affordable care services, facilities, comprehensive and coordinated actions addressing the role of men and employers in **achieving a balance between work and family** life. (Para 11, Summary)

### **Right to work**

In 2006, the Committee on Economic, Social and Cultural Rights (CESCR) was concerned that, despite the various measures taken to improve the status of women, the latter continue to **be at a disadvantage in society**, particularly with regard to access to employment, equal pay for equal work, the size of their retirement pension and their involvement in decision-making, and the limited number of women in high-level public positions (Para 13, Compilation).

In 2005, the ILO Committee of Experts noted with satisfaction that the **Employment Relationships Act** of 2002 gives legislative expression for the first time to the principles contained in the ILO Equal Remuneration Convention. The ILO Committee of Experts further noted the adoption of the **Act on Equal Opportunities for Men and Women** in 2002 which provides measures to promote the effective realization of gender equality, **including positive measures in the field of employment**. In 2008, CEDAW noted the measures to support the participation of women in the labour market and to reduce unemployment among women, such as the adoption of the **Active Employment Policy Measures Programme** and specific programmes aimed at providing assistance to long-term unemployed women. CEDAW remained concerned, however, at the

persistence of vertical segregation between women and men in the labour market and the continuing pay gap, as well as the high proportion of women, especially young women, employed on fixed-term contracts in comparison with men (Para 26, Compilation)

SRI stated that although the average length of unemployment was the same for men and women, women frequently held lower paid jobs. SRI stated that there is an also great difference on countryside areas there women still live mostly according to the stereotypes that restrict them to their roles as mothers and wives (Para 11, Summary)

See Recommendations, CEDAW (26); CESCR (13)

### **Roma women**

CEDAW was concerned that Roma women and girls remain in a vulnerable situation and subject to discrimination, including with regard to education, health, housing and employment. It was further concerned about the low level of Roma women's formal education and the school dropout rates among Roma girls (Para 15, Compilation)

See Recommendations, CEDAW (15); CRC (31); SRI (46)

### **Rural women**

CEDAW expressed concern at the situation of rural women, in particular older rural women, including their access to education, health-care services and income-generating activities (Para 30, Compilation)

See Recommendations, CEDAW (30)

### **Sexual Violence**

While welcoming the adoption of specific provisions prohibiting sexual harassment in the workplace, CEDAW expressed concern about the high incidence of sexual harassment in the workplace and the low level of reporting by women of such harassment (Para 27, Compilation)

SRI also stated that sexual harassment remains a widespread problem in Slovenia (Para 15, Summary)

See Recommendations, CEDAW (27)

### **State Institutions/Plans of Actions**

*In its Resolution on the National Social Assistance Programme 2006-2010, the Ministry of Labour, Family and Social Affairs defined a network of maternity homes and shelters for women (), with current capacity for about 330 persons. Safe houses and maternity homes only receive co-financing from the Ministry. The initiative for launching such programmes has to stem from the local communities or individual organizations within them. The majority of programmes in the network operate in the form of public social institutions (Para 65, NR)*

### **Trafficking of women/Forced prostitution**

In 2008, the ILO Committee of Experts recalled that the International Confederation for Free Trade Unions stated in 2002 that the trafficking of women for prostitution continues to be a problem in Slovenia. It added that reports suggest that approximately 400 women per year are trafficked into Slovenia from countries of Eastern Europe, and approximately 1,000 women per year are trafficked through Slovenia into western European countries. () In 2008, CEDAW was also concerned at the continuing prevalence of trafficking and the fact that in spite of the

initiation of criminal investigations into cases of alleged trafficking and the high number of alleged victims, **no sentences on trafficking have yet been issued** (Para 18, Compilation) SRI stated that Slovenian NGOs estimated that **1,500 to 2,500 trafficked women pass through Slovenia every year**, usually from Eastern Europe and the Balkans en route to Western Europe, and that **1,500 to 2,000 women and girls are trafficked to Slovenia annually**. It also stated that Slovenia is, to a much lesser degree, also a country of origin for trafficking in women and children. According to local NGOs, **around 100 Slovenian women and girls** have been trafficked abroad, mostly to Western European countries. SRI explained that in 2005, the National Assembly **passed a witness-protection law** designed to improve prosecution of forced prostitution and trafficking cases (Para 17, Summary)

See Recommendations, CEDAW (18); SRI (17)

### **Violence against Women/Gender Violence**

*In March 2008, the Family Violence Prevention Act entered into force which defines **physical, sexual, psychological and economic violence** () The Act stipulates **free legal assistance** to the victims of violence in court proceedings (Para 33, NR). The National Assembly adopted the Resolution on the **National Programme of Family Violence Prevention for the Period 2009-2014**. It is a strategic document defining the objectives, measures and key players with regard to reduction and prevention of family violence (Para 35, NR). In collaboration with external experts, the Police have been carrying out **permanent training of police officers on domestic violence prevention**. This year they will start implementing the CEPOL common curriculum. In cooperation with the Slovenian and the Swedish human rights ombudsman, the Police organized a training programme for **identifying and dealing with stereotypes in a multiethnic society**. (Para 68, NR)*

In 2008, CEDAW commended the recent entry into force of the new Penal Code 2008 defining domestic violence **as a specific criminal offence** and the Domestic Violence Prevention Act 2008, defining, among other issues, different forms of domestic violence and providing for **protection of victims**. However, it was concerned at the **continuing prevalence** of violence against women and girls, **the number of women murdered by their intimate partners** (Para 17, Compilation)

SRI stated that it was very difficult to ascertain the extent and severity of violence against women in the family because women often hesitate to report assaults to the police **for fear of social censure or reprisal**, but also because incidents of violence in the home, either between spouses or other family members are **most frequently classified by authorities as violations of the statute concerning public disturbance**. (Para 15, Summary)

See Recommendations, CEDAW (17); CESCR and HR Committee (17); SRI (15)

### **Suggested Questions and Recommendations**

#### **CEDAW**

- § To establish a **deputy Gender Equality Ombudsperson** with a specific mandate to promote the rights of women (Para 6, Compilation)
- § That Slovenia intensify its efforts to change **stereotypic images and discriminatory attitudes and perceptions** about the roles and responsibilities of women and girls and men and boys in the family and in society. It also recommended that Slovenia develop measures aimed at addressing **women's occupational segregation** and the diversification of women's academic and professional choices, including in non-traditional fields (Para 12, Compilation)
- § To take urgent and concrete measures to address stereotypic attitudes towards **Roma women and girls**, and accelerate their achievement of de facto equality. It recommended that Slovenia intensify its efforts to promote the access of Roma girls to education and their

retention in all levels of education, and to address the high rate of unemployment among Roma women. It also recommended that Slovenia collect and make available statistical information pertaining to the education, health, employment and social, economic and political status of Roma women and girls, with a view to developing further specific policies to respond to their needs (Para 15, Compilation)

- § To **address the issue of gender based violence in a comprehensive manner** and recommended that Slovenia develop a comprehensive strategy or action plan to prevent and eliminate all forms of violence against women and girls and an effective institutional mechanism to coordinate, monitor and assess the effectiveness of the measures taken. It further recommended that Slovenia study and analyse all cases of **murders of women** by their intimate partners and, on that basis, adopt effective measures to protect women from this particular type of violence. CEDAW urged Slovenia to ensure that a sufficient number of safe crisis centres and shelters are available to women victims of violence (Para 17, Compilation)
- § To strengthen its efforts to increase the number of **women participating in political life**, in particular at the national level, and revisit the national Assembly Elections Act **to accelerate political advancement of women** in the next elections. It recommended that Slovenia in this regard introduce temporary special measures in accordance with the Convention and that it strengthen its efforts to promote women to positions of mayor in municipalities. It further recommended that Slovenia enhance awareness-raising campaigns on the importance of women's participation in political life and organize special capacity-building initiatives for women candidates for election or for mayors (Para 25, Compilation)
- § That Slovenia continue to take concrete measures to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the pay gap between women and men. It called upon Slovenia to prioritize the **realization of de facto equal opportunities for women and men in the labour market** and to take measures aimed at decreasing the high proportion of women in comparison with men employed on fixed-term contracts. It also recommended that Slovenia take steps to widen the options available to women in both the public and the private sector, inter alia, through implementation of temporary special measures wherever possible (Para 26, Compilation)
- § That Slovenia introduce specific measures to **address sexual harassment in the workplace**, including those aimed at encouraging women to report such harassment (Para 27, Compilation)
- § To take targeted **measures to lower the maternal mortality rate**, including through implementing the recommendations proposed by the Working Group on the Prevention of Maternal Mortality and improving the access by women to **sexual and reproductive health information and services**. It also encouraged Slovenia to carefully monitor the delivery of health services in order to respond in a **gender-sensitive** manner to all health concerns of women. In this regard, it invited Slovenia to utilize general recommendation 24 as a framework for action (Para 29, Compilation)
- § To develop special policies and programmes aimed at the **economic empowerment of rural women** and ensuring their access to health-care services, education and social services (Para 30, Compilation)

#### **CEDAW and HR Committee**

- § To continue efforts to combat **all forms of trafficking in women** (), in line with the Convention. In 2006, CESCR recommended that Slovenia set up services to help the victims of trafficking and take steps to make law-enforcers and the general public more aware of the seriousness of the problem and to sensitize them of the needs of the victims (Para 18, Compilation)

#### **CESCR**

- § To step up its measures to promote equality between men and women, including by application of the principle of **equal pay for equal work** and by ensuring that women are **involved in decision-making** (Para 13, Compilation)

#### **CESCR and HR Committee in 2005**

- § To raise awareness of the **criminal nature of domestic violence** (Para 17, Compilation)

#### **CRC**

- § That Slovenia give priority attention to identifying and addressing the **causes of the high maternal mortality rate** (in Roma communities)
- § That Slovenia take measures to address the **high dropout rate in secondary education**. It encouraged Slovenia to address the low enrolment of **female children with disabilities** in school.

#### **HR Committee**

- § That Slovenia take the necessary measures to increase the **effective participation of women** in public affairs and in the political and economic sectors (Para 25, Compilation)

#### **CoE-Commissioner**

- § That adequate resources be made available to the **Advocate for the Principle of Equality**. (Para 7, Summary)

#### **SRI**

- § That the Government in consultations with civil society organizations, academics and women victims of domestic violence, **develop and promulgate a specific law on domestic violence** that includes both penalties and treatment options for perpetrators, clearly establishes obligations of police in cases of domestic violence and provides for the creation, staffing and overseen of services. It also recommended conducting a **wide-reaching awareness campaign** on domestic violence, through a joint effort between the State, media and NGOs. (Para 15, Summary)
- § That Slovenia issue a complementary act allowing the public health sector to intervene as needed to **protect the life and health of women undergoing a late-term abortion, without any criminal sanctions being imposed on them**. The media meanwhile should conduct a campaign to raise the awareness about the issue. SRI also recommended **improving abortion services facilities** to ensure that they meet the best health standards and to guarantee that women will no longer be placed on waiting lists as, in some cases, a long waiting period could endanger their life and health (Para 16, Summary)
- § Establishing mechanisms to control the borders and airports to detect **human trafficking** cases, with full involvement and overseen by human rights state offices and relevant civil society organizations, as well as to conduct an **awareness campaign to inform women about rights in regard to human trafficking** and to reduce their vulnerability (Para 17, Summary)
- § Improving **mental health services for women in public hospitals**, including to adequate training of staff and professionals on gender issues and multicultural sensitivity, and actively involving NGOs in plans of improving the quality and conditions in public mental health services for women (Para 35, Summary)
- § To ensure **Roma women's involvement in the development process** through joint work between NGOs and the State social system; enhance the social welfare system for Romani families, with a particular focus on women and girls; establish auditing mechanisms to ensure that **Roma women's complaints of domestic violence** are properly investigated and create the necessary institutions - ideally managed by Roma women themselves- to provide shelter and support to

victims; conduct serious investigations on complaints of forced sterilization and early marriage in Roma communities, with full involvement of Roma women in the planning and conducting of those investigations as well as in their follow-up; ensure proper registration of Roma women's NGO and their equal participation in relevant State-civil society interactions, as well as maintaining their opportunities to take advantage of State funding, training and other forms of general support to civil society organizations (Para 46, Summary)

- § To develop and implement awareness-raising campaigns to promote, specially in the countryside, the idea that women can and do play multiple roles in the community, that their traditional roles can be changed and stereotypes be altered, through cooperation among the State, media and relevant NGO.