*Ljubljana, February 2012*

**Thematic work in 2012 of the Working group on discrimination against women in law**

**and practice on the implementation of law and policy and effective strategies**

**to eliminate discrimination against women in the political and public life**

**and particularly during transitions**

**Contribution of the Republic of Slovenia**

***Introduction***

Slovenia established its independence and gained its sovereignty in 1991. Since then, significant progress was achieved in terms of the endeavours of the Slovenian Government to eliminate all forms of discrimination against women and to achieve gender equality in law and practice.

The women’s movement used the democratization process leading to Slovenian independence, legal and institutional reforms needed for the strengthening of democracy upon independence, and integration into the European Union as windows of opportunity for bringing women’s human rights, non-discrimination and gender equality on the political agenda and for enhancing their importance in the process of building a modern state in which women and men would equally benefit from the progress achieved.

Supported by the academia, women’s and human rights NGOs jointly created a favourable environment for parliamentarians, in particular women elected to the national parliament after the first multiparty elections in 1990. This environment provided for a defence of constitutional freedoms and the right of women to freely decide over their own body, particularly on sexual and reproductive matters. Moreover, it contributed to the formation of the national initiative for the advancement of women and to the strengthening of the understanding that violence against women will only be eliminated when the community refuses to condone it. After the establishment of the government office for women’s policy and gender equality, NGOs and academics continued to work in close cooperation with the office, ensuring equal participation of women in the political and public life, in particular with regard to elected and appointed public functions at all levels. Legal reform after the independence of Slovenia, its membership in international organisations and the process of harmonisation of European Union law with domestic law became new venues for considering women’s human rights and gender equality issues. These processes were used effectively to integrate non-discrimination of women and gender equality both as a right in itself and as a crosscutting issue into legislation, policies and the functioning of institutions. The following paragraphs represent a summary of the various efforts made and results gained in setting legal standards and setting up and strengthening institutional mechanisms for the elimination of all forms of discrimination against women and for the promotion of gender equality in law and in practice. Furthermore, results achieved in the field of improving women’s participation in public and political life are presented as well.

***Constitutional and other legislative initiatives and reforms put in place to promote women’s rights and gender equality***

* As highlighted above, the constitutional provision that guarantee free decisions over whether to bear a child or not and that establish a positive obligation of the state to create conditions for enabling parents to have every opportunity to exercise this freedom was maintained in the new Constitution adopted on 23 December 1991 (Article 55).
* Furthermore, in accordance with the Constitution, everyone is guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance. Judicial protection of human rights and the right to obtain redress for the violation of such rights are guaranteed by the Constitution.
* Provisions on the prohibition of discrimination against women have been included in laws regulating areas such as the labour market, social security, education and health.
* Legal basis for the implementation of specific gender equality actions, including temporary special measures, and gender mainstreaming as the key working method complementing specific policies for the advancement of women and their empowerment were created in 2002 with the adoption of the **Act on Equal Opportunities for Women and Men.** The Act introduced an obligation for the ministries and local communities to promote gender equality by general and special measures and by integrating a gender perspective into planning, development, implementation, monitoring and evaluation of their policies and their management. It also provided the legal basis for the adoption of the **National Programme for Equal Opportunities for Women and Men** and the biannual actions plans for the implementation of the Programme. The first national programme for the 2005–2013 period was adopted by the National Assembly in 2005. Currently, the last biannual action plan for its implementation is being prepared. Systematic reporting of the Government to the National Assembly on the achievements of the objectives defined in the National Programme and its operational action plans has been also mandated by the Act on Equal Opportunities for Women and Men. Please see information provided below for other relevant provisions of this Act .
* In 2004 the National Assembly adopted the**Implementation of the Principle of Equal Treatment Act***,* a general anti-discrimination law, which prohibits, *inter alia*, direct and indirect discrimination on the grounds of any personal characteristics, including sex, in any sphere of social life. The act also prohibits the victimization of a person discriminated against and of persons helping such a victim.
* Efforts to combat **violence against women** have been yielding positive results through the process of establishing an adequate legal framework. Amendments to the Penal Code, which entered into force in 2008, introduced harsher sanctions for criminal offences against sexual integrity. Prevention of domestic violence against women and protection of victims of such violence is regulated in the **Family Violence Prevention Act** adopted in February 2008. The Act defines different forms of domestic violence and provides for comprehensive sets of measures aimed at prevention and ensuring the safety, protection, support and assistance to victims, including through particular duties of public authorities and organizations and NGOs. When these become aware of the circumstances indicating the existence of family violence, they have to report alleged violence to the Social Service Centre, except when the victim explicitly opposes such course of action and when the incident in question does not indicate elements of a crime, which is subject to prosecution *ex officio*. The Act also includes a positive obligation for systematic inter-agency co-operation, adequate education and training for all relevant professions and agencies, and re-socialization of perpetrators. The adoption of the **Resolution on the National Programme on the Prevention of Family Violence** in 2009 is another important result of intensified government’s efforts to end all forms and manifestations of violence against women.
* One of the important decisions taken by the Government was also to act as a role model in guaranteeing a working environment free of any violations to dignity of a person. To set up a positive example for other employers, the Government adopted a **Decree on ensuring dignity at work**, which obliges all ministries and government offices to actively prevent any violations to dignity of a person, such as sexual harassment and mobbing. To comply with the requirements under the Decree, all ministries and government offices appointed adequately trained persons to support victims of such forms of violence at work in seeking redress.
* Legal provisions protecting **female victims of trafficking, exploitation and prostitution** were introduced in the Penal Code and in the **Witness Protection Act. Measures** in the area of trafficking in human beings are defined by **action plans for the fight against trafficking in human beings**. Action plans are drawn up every two years since 2004 by the Interdepartmental working group for the fight against trafficking in human beings, composed of representatives of competent ministries, government offices, the National Assembly and NGOs.

***Strengthening the framework of state institutions and mechanisms for the elimination of all forms of discrimination and violence against women***

* The **Ombudsperson** officially began work in January 1995 (in accordance with the 1993 Human Rights Ombudsperson Law). The institution was designed on the basis of the classic model of a national parliamentary ombudsperson and is an autonomous and independent institution. His/her task is to identify and prevent violations of human rights and other irregularities arising from the operation of national or local public bodies, and to eliminate their consequences. The jurisdiction of the Ombudsperson includes investigation into cases of alleged violations of particular human rights.
* The **Women’s Policy Commission** was established even prior to Slovenian independence, **within the Slovene Assembly** in 1990. It monitored the status of women and submitted proposals for improving their situation, including through their request to the Government for the establishment of a ministry or government body for women’s issues. After the 1996 elections, the Commission was renamed Equal Opportunities Policy Commission and was given greater competencies in dealing with pertinent matters. With the reorganisation of parliamentary working bodies after the elections in 2000, the Commission of the National Assembly for Equal Opportunities was dissolved and its competencies were transferred to the Committee for Home Affairs. Since the establishment of the parliamentary working bodies after the elections in 2004, gender equality falls within the competencies of the Commission of the National Assembly of the Republic of Slovenia for Petitions, Human Rights and Equal Opportunities.
* The **Government** established its central body for the advancement of women and promotion of gender equality in 1992 when the **Women’s Policy Office** was set up. It operated as such until 2002 when the **Office of the Government of the Republic of Slovenia for Equal Opportunities** was established. It took over all tasks of the previous government office vested with gender equality issues. The Officemonitors the status of women and the implementation of their rights guaranteed under the constitution, laws and international conventions, it participates in the preparation of acts and measures, and examines from a gender equality perspective draft acts and proposals for measures prepared by the ministries. The Office is also authorized to submit its opinions and comments before they are adopted by the government or ministries and to initiate and propose legal and other policy measures. To promote an understanding of substantive gender equality, the Office has been engaging in a variety of information- and awareness-raising activities and counselling. The Office performs its tasks in co-operation with ministries and governmental services, local communities, professional and scientific institutions, NGOs, domestic and foreign experts, and regional and international organisations. Staff and financial resources of the Office were increasing in the last couple of years.
* After the adoption of the Act on Equal Opportunities for Women and Men **coordinators for equal opportunities** were appointed in each ministry and in a number of municipalities.
* The Equal Opportunities for Women and Men Act introduced an independent complaint procedure. Prior to entering into force of the general anti-discrimination act, this function was carried out by the **Advocate for Equal Opportunities for Women and Men,** who addressed cases of alleged discrimination on the grounds of sex.
* The **Advocate of the Principle of Equality** was appointed on the basis of the Implementation of the Principle of Equal Treatment Act. He/she operates under the organisational structure of the Office of the Government of the Republic of Slovenia for Equal Opportunities and is authorized to consider initiatives regarding alleged violations of the prohibition of discrimination on the grounds of all personal circumstances, including on the grounds of sex. The Working group established by the decision of the Government is currently considering the amendments to the Act with the aim to strengthen the autonomy of the Advocate of the Principle of Equality and to expand the scope of Advocate’s competences.

Over the last 20 years considerable efforts have been made in strengthening national institutional mechanisms in terms of their power, visibility, mandate and scope of action, including in terms of financial and human resources, cooperation, coordination and monitoring of gender equality policies and programmes, and building capacities for a more effective use of gender mainstreaming. The new Government of the Republic of Slovenia, however, recently decided to abolish its Office for Equal Opportunities and to turn the responsibilities for gender equality over to the Ministry for labour, family and social affairs.

***Improving women’s participation in political and public decision making, on equal terms with men***

After the first multiparty elections, Slovenian women were pushed aside in the creation and strengthening of the new democratic parliamentary system.

After such bitter loss of illusions that democracy will bring about solutions to their obstacles to entering the political arena, women MPs, women’s organisations within political parties, NGOs and, after its establishment, the Office of the Government for Equal Opportunities started their networking for knocking on the parliament’s door to amend the legislation on political parties and elections. Seven proposals to introduce various positive measures in the legislation were initiated by left-wing political parties and considered by the Parliament in the first ten years of Slovenia’s independence. They were all rejected with arguments emphasizing the noncompliance of the proposals with the constitutional principle of equality and those stating that the introduction of quotas could not solve the problem, which can efficiently be tackled only by changes in social patterns and roles.

The main reasons for such positions were the absence of an understanding that gender equality entails numerous elements: the equality of results; the impact of the historical absence of women’s issues as political issues in the previous socialist system; and the prioritisation of important issues such as economic development, denationalisation, privatisation, harmonisation of legislation, education, health and pension reform, European integration, and candidacy for NATO membership, which subsumed all the others, including women’s participation in political decision-making. It was assumed that the resolution of this issue could wait until after the prioritized goals were reached.

Women, however, did not wait for the mainstream political priorities to be achieved. Supported by gender equality structures in the government and the parliament and encouraged and financially stimulated by the EU and intergovernmental organizations such as the United Nations and the Council of Europe NGOs, trade unions and individual prominent female and male politicians developed and participated in initiatives for the political empowerment of women.

This work was performed through several capacity building and training programmes. The first projects were targeted on parties’ female members and were aimed at raising their gender equality awareness, equipping them with lobbying skills, creating supporters among their male colleagues, and at neutralising the opposition to their efforts to integrate gender equality into parties’ programmes and culture. They were also aimed at motivating women to become politically active and to enhance their cross party cooperation. Many women that took part in trainings developed by the Office of the Government for Equal Opportunities (in cooperation with existing women’s party groups, individual national and foreign experts and the Gender Task Force of the Stability Pact of South Eastern Europe) were later candidates at local and national elections and got seats in their respective representative bodies. The second training module, initiated by the aforementioned Gender Task Force and organised by the Equal Opportunities Office, was inspired by the analysis of the achievements and failures of previous work. It was implemented individually for each parliamentary party upon the written agreement between party leaders and the organisers. The training module was designed to teach about the effective use of the party’s own and other relevant networks, to increase the efficiency of lobbying within their own political party, to efficiently use the differences between members of NGOs and party women/politicians as a strong tool for joint action instead of stumbling over them and getting trapped in “personal” resentments and misunderstandings. The module also motivated women in political parties to asses the power position of women in their parties in order to better strategise actions for improving their ability to influence, from a gender equality perspective, the decisions to be taken by their party. Consequently, the module also encouraged women to devise partnerships with male party leaders.

Simultaneously, the Office of the Government for Equal Opportunities published and disseminated the outcomes of implemented projects, analysis and research documents, manuals and recommendations, and organised various public conferences, round tables and panel discussion (also with foreign female politicians) and worked towards promoting the role of the media in this field.

The work and the results achieved in promoting gender equality in other substantive areas coupled with the dynamic setting of legal standards facilitated the introduction of the abovementioned 2002 Act on Equal Opportunities for Women and Men provisions related to the promotion of participation of women in public and political decision-making. Examples of such provisions are the legal basis for the adoption of positive measures, obligation of the government to respect the principle of gender balanced participation with regard to the composition of working bodies, delegations and the appointment or nomination of government representatives in state-owned enterprises and other public bodies, and obligation of ministers in respect of the same principle with regard to the composition of expert councils. The act also obliges political parties to adopt every four years a plan for the promotion of balanced representation of women and men in party bodies and on their candidates list for elections.

In order to ensure efficient implementation of the legally binding respect for gender balance in appointed and nominated positions, the government adopted the **Decree Regulating the Criteria for Implementing the Principle of Balanced Representation of Women and Men.** Throughout the implementation of the Decree the representation of women in working bodies has been constantly increasing. The average representation of women in government bodies and public institutions exceeds 40 per cent. The average share of women among representatives of the government in public institutions also exceeds the legally defined threshold. However, the goal of reaching at least 40 per cent representation of women has still not been achieved with regard to the number of female representatives in government agencies and funds.

In 2001, the creation of an environment, where the recognition of the marginalisation of women in political decision-making as a political problem would not be politically incorrect for male-dominated political elites, and where dissatisfaction with the persistent gap between the declared equality of women and men and the reality still existed (especially after the unchanged underrepresentation of women among members of the National Assembly after 2000 elections), encouraged the establishment of the nation-wide network named Coalition for gender balanced participation in public and political decision-making.

This so-called “Coalition for Parity” was composed of more than 250 well-known women from different political backgrounds, member of NGOs and trade unions, journalists and prominent male and female experts and other influential individuals. They joined forces with only one objective: to achieve the adoption of legally binding measures for ensuring gender balanced representation of women and men in political and public life. The Coalition began to act by using the accession process to the EU as negotiating leverage. To reach out to the individuals vested with political power, it worked closely with a number of female MPs and prominent male political leaders in order to introduce changes to the legislation to overcome the underrepresentation of women in politics. The “Coalition for Parity” engaged in campaigning for gender equality in politics and formulated concrete proposals for the introduction of a legal basis for positive measures in the Constitution and in the entire electoral legislation.

These activities culminated in the signing of the proposal by more than two-thirds of all members of the National Assembly, requesting constitutional change that would provide for the enactment of positive measures aimed at encouraging gender balanced representation in standing as candidates at all elections. The amendment was enacted in the parliament in July 2004. The amended Article 43 of the Constitution reads: “The law shall provide the measures for encouraging the equal opportunity of men and women in standing for election to state authorities and local community authorities”.

In December 2003, the “Coalition for Parity” also initiated the amendment of the Election of Slovenian Members to the European Parliament Act. This initiative, additionally supported by women parliamentarians and some of their male colleagues, was translated into the enactment of a minimum 40 per cent quota rule for elections to the European Parliament and a binding placement of at least one person of each sex among the first three candidates on each list. Lists in breach of this rule would be rejected by the electoral commission.

The positive results of these legal interventions, the pressure of the “Coalition for Parity” enabling female candidates to have at least the second position on the lists, and joint pre-electoral campaign of the Coalition and the Office of the Government for Equal Opportunities were among the decisive factors in achieving the 43 per cent representation of women among Slovenian members of the European Parliament. Currently, the gender composition of the Slovenian representation in the European Parliament reflects a strict parity representation of women and men.

Bearing in mind that the European Parliament is less attractive than the national one for the majority of politicians, it was important for the Coalition and the Office of the Government for Equal Opportunities to take advantage of the positive climate and to continue the “long march” towards parity democracy by introducing a binding parity threshold into national and local elections acts. Both, the Local Elections Act (in 2005) and the National Assembly Elections Act (in 2006) were amended. With respect to gender quotas that apply to these acts, the interim provisions introduced a gradual increase of the required minimum percentage of women and men on electoral lists, meaning that the percentage would increase for each election until reaching the minimum of 40 per cent for local elections and 35 per cent for parliamentary elections. With regard to candidate lists for local elections, the ranking order rule applies as well. During the transitional period, partial derogation as regards the principle of candidates alternating by sex is permitted. Lists in breach of the provisions must be rejected by the relevant electoral commission.

The amendment of the law on local elections, which required that no less than 20 per cent of candidate posts are assigned to each sex in the first election, has improved representation of female candidates on candidate lists in the 2006 local elections. The share of women on candidate lists increased by 11.6 percentage points (from 21.2 per cent in 2002 to 32.8 per cent). Representation of women exceeded 30 per cent on most candidate lists, which only happened in exceptional cases in the past. The increased share of female candidates also contributed to an increase in the share of elected female council members for 8 per cent in comparison to the elections held in 2002. The share of women candidates and of women elected to municipal councils further increased after local elections in 2010, however the further increase was not as significant.

The results of the first parliamentary elections held upon legislating the so-called gender quotas in 2008 unfortunately fell short of expectations. While the share of women candidates was 35 per cent, this representing an 11 per cent increase in comparison to the previous election, the representation of women elected to the parliament increased merely by 1 per cent. The main reason can be found in the partial incompatibility of gender quotas with the electoral system used for parliamentary elections and the lack of will of political parties to put women candidates in electable positions.

However, the results of the last parliamentary elections held in December 2011 brought an impressive change with respect to the share of women candidates and elected female parliamentarians. The average share of women candidates was 40 per cent and women won 32 per cent of the seats in the National Assembly. While this success should not be attributed exclusively to the binding gender quota rule, the prevailing view that gender quotas only create an illusion was certainly challenged.

While remaining aware that constitutional norms and the law are not enough to accelerate the bringing about of substantive gender equality, they are projecting what our society wants to become.