



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Forty-eighth session

17 January – 4 February 2011

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

Slovenia

**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 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, the Committee requested Slovenia to provide, within two years, a written information on steps undertaken to implement the recommendations contained in paragraphs 14 and 28 ((CEDAW/C/SVN/CO/4).

Paragraph 14

The Committee recommends that the State party further strengthen the authority, status and visibility of the Office for Equal Opportunities, as well as its financial and human resources, so that it can adequately fulfil its expanded mandate and continue to promote gender equality, advancement of women and full implementation of the Convention. The Committee further recommends that the Government consider the establishment of an Advocate for Equal Opportunities for Men and Women with independent status and adequate mandate, authority and visibility.

Paragraph 28

The Committee calls on the State party 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 in the light of the results produced in the most recent elections in order to accelerate political advancement of women in the next elections. To this effect, the Committee recommends that the State introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also recommends that the State party strengthen its efforts to promote women to positions of mayor in municipalities by, for example, introducing temporary special measures. The Committee also recommends that the State party 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.

Information on steps undertaken by the Government of the Republic of Slovenia for the implementation of the recommendation “that the State party further strengthen the authority, status and visibility of the Office for Equal Opportunities, as well as its financial and human resources, so that it can adequately fulfil its expanded mandate and to continue to promote gender equality, advancement of women and full implementation of the Convention”.

The 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, 18 years ago, it established a government office for promoting equality of women and men. Since 1992 when it started its work, 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 to accelerate the achievement of gender equality.

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

The 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) imposes on 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 implement the following tasks:

- coordination of activities of individual ministries and government offices regarding the implementation of this act;
- carrying 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;
- to submit to the Government reports prepared by the Advocate of the Principle of Equality regarding his or 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 and cooperate in the implementation of those activities in which it is determined as a cooperating body.

Budget funding and other sources of financing of the activities performed by the Office for Equal Opportunities and its human resources

5. Just like in previous periods, the amount of funding of the Office from the budget has 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, the Office was awarded with EUR 450,258 of budget funding and EUR 639,280 in 2010. 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 researches and analysis whose findings are needed for the Government of the Republic of Slovenia to adequately react by developing and implementing the policy of gender equality to the actual status and role of women and men in different social areas, to obstacles that prevent accelerated achievement of substantive gender equality, to the expectations of women and men and economic and social reality, the Office cooperates with sectoral ministries and institutions in particular with the Slovenian Research Agency within the framework of Target Research Programme that co-finance the implementation of analysis and researches whose initiator is the Office.

7. The Office employs ten experts which puts Slovenia among those European countries, that in terms of population as well as authority and tasks, have pretty large institutions for gender equality. 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 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).

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. 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.

Information on steps undertaken by the Government of the Republic of Slovenia for the implementation of the recommendation “that the Government consider the establishment of an Advocate for Equal Opportunities for Men and Women with independent status and adequate mandate, authority and visibility”.

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 during their entire life span and due to any personal ground or situation. Aware of its responsibility to fulfil obligations that were made by the Republic of Slovenia with succession 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 institution for gender equality are also taken seriously and responsibly which was confirmed by entrusting the Office for Equal Opportunities 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 Interministerial 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. Interministerial 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:

- analysis of current institutional mechanisms for ensuring equality and protection against discrimination in the Republic of Slovenia;
- 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;
- 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.

Office for Equal Opportunities performs expert and technical tasks for Interministerial Working Group. The working group is entrusted 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 that will be prepared by the Interministerial 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 into the hierarchy of governmental structures and authority as well as an overview of national bodies for promoting equality authorised for providing independent advice and assistance to alleged victims of discrimination, implementing independent researches and analyses, publishing independent reports and recommending 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 Interministerial Working Group has not yet finalized the proposal of the concept, however it will take into consideration all relevant international standards, including the so called Paris Principles, and will derive from a comparative analysis of existing institutional arrangement in Slovenia and other member states of the European Union. The proposal will also take into consideration indications on 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 for the implementation of the call by the Committee on the Elimination of Discrimination against Women “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 ... in order to accelerate political advancement of women in the next elections”, and the recommendation to “introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25”.

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 on 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 minimum 40-percent participation of women and men in political decision-making and is one of the goals of this act and one of the strategic goals of the *Resolution on the National Programme for Equal Opportunities for Women and Men 2005 – 2013*. *Equal Opportunities for Women and Men Act* and *Implementation of the Principle of Equal Treatment Act* have created a legal basis for using temporary special measures in preventing and eliminating effects of poor 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 all three acts that regulate elections in Slovenia (please refer to the Fourth Periodic Report of the Republic of Slovenia - CEDAW/C/SVN/4 and answers to the Committee's list of issues and questions - CEDAW/C/SVN/Q/4/Add.1).

16. After 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 only

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 of share of women on the lists of candidates since average share of women candidates has surpassed legally determined minimum share 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 certain level of deficiency of the legislated gender quotas for the composition of lists of candidates. In the electoral system that applies for the 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 the highest in the proportional system with only one constituency (a system used for the elections into the European Parliament), lower in a proportional system with constituencies and districts (a system used for elections to the National Assembly) and the lowest in a majority rule system (elections of mayors, and of councillors in municipal council where a majority rule system is used). Experience has also shown that political parties do not have problems in ensuring adequate number of women candidates. Consequently different meetings and debates were posing the question of justification for the introduction of the 35% 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 the 25% gender quota for the first elections after the entering into force of the act – held in 2008) since other two electoral acts determine 40% 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 a proposal of amendments to the *National Assembly Elections Act* that would abolish electoral districts that prevent the voters to have a deciding influence on who is elected to the 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 to increase the possibility of women getting 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 of academic sphere and non-governmental organizations attended the meeting; they also saw the draft proposal of the Act as a good attempt and gave their additional proposals to ensure positive influence of gender composition of the list of candidates on the possibility for women being elected. The office has informed the minister for the public administration with the proposals which were subsequently introduced to the working group for the preparation of amendments to the electoral legislation.

21. On 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 to the Government and the National Assembly to 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 higher representation of women in elective bodies or in the management of public affairs.

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 extremely low percentage of elected female members of the parliament, low percentage of women mayors and recommendations by the Committee on the Elimination of Discrimination against Women upon whose recommendations 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 the parliament in adopting measures for a balanced representation of women and men in political decision-making, further and effective endeavours for changing the mentality where the attitude towards women in politics 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 of the meeting have also agreed that the Government should increase its support (also financial) 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 give a certain percentage of funds received from the national budget in order to 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 to establish financing of these groups by changing Political Parties Act following the example of valid Article of the same act that enables Office of Youth to finance youth organizations and youth wing 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, that is preparing changes to the act, has adopted a proposal of the Office for Equal Opportunities to change current binding minimum of 35% gender quota for the composition of lists of candidates to 40% minimum share and to add to the act a new provision on the composition of the lists that would prescribe that the 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 on the first place and the remaining four would have a male candidate on the first place.

Information on steps undertaken by the Government of the Republic of Slovenia for the implementation of the recommendation of the Committee on the Elimination of Discrimination against Women to “strengthen its efforts to promote women to positions of mayor in municipalities by, for example, introducing temporary special measures”.

25. The Government of the Republic of Slovenia was not carrying out activities intended exclusively to increase the share of women mayors in the last biannual period. At the meeting in the National Assembly, mentioned in Paragraph 22, it was pointed out that there were setbacks shown by the percentage of elected women mayors in local election in 2006 (3.3%) but the participants of the meeting did not give any particular proposals directed at greater electability of women candidates for mayors.

26. Among the projects that applied for a public tender for financing projects of non-governmental organizations that operate in the area of gender equality, the Office for Equal Opportunities has chosen a project intended for raising awareness and significance of equal representation of women and men on elective positions on local level and encouraging integration of policy of gender equality into programmes of local parties and lists of candidates.

Information on steps undertaken by the Government of the Republic of Slovenia for the implementation of the recommendation of the Committee on the Elimination of Discrimination against Women to “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.

27. The Office for Equal Opportunities regularly carries out analysis of all elections and informs the media, non-governmental organizations, political parties and other stakeholders with the findings. Before the elections, the Office, while respecting fully the independence of the media and the freedom of expression, is encouraging media to ensure equal presence of women and men in debates of candidates during pre-electoral activities, and to ensure balanced and non-stereotypical image of women and men in media contents 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 political power and influence of women in parties and in support of the visibility of women candidates for the election. After 2004, due to instructions by the Government that such activities are contrary to the Article 21 of the Political Parties Act that forbids financing parties from the state budget, has not organized concrete capacity-building initiatives for women candidates and has not co-financed women's groups that work within political party (please refer to paragraph 23).
