

**SUBMISSION TO THE CEDAW COMMITTEE
FOR THE 62ST SESSION:
PRE - SESSIONAL WORKING GROUP
(9 MARCH – 13 MARCH 2015)**

**SLOVENIA:
LIST OF ISSUES AND QUESTIONS by NGO's**

February, 2015

The views and evaluations, expressed in this document, belong to the respective NGO's and experts who have contributed them. List of Issues and Questions as well as Shadow Report that will follow for the main session of the CEDAW Committee in October 2015 were made without any international or national financial support and it is completely independent. All the contributors (NGOs and experts) will be listed in the Shadow report.

Introduction

In 2008 when the CEDAW Committee has discussed and commented the 4th periodical report of Republic of Slovenia, devastating financial and economic crises had only started. In the meantime this crisis has progressed into a social and political crisis. From 2008, Slovenia had three national elections (in 2008, 2011 and 2014) and now has the fourth governmental coalition, led for a second time by a brand new winning party established only a month before the elections. Worsening of the development and growth perspectives of the nation, dramatic raise of unemployment and poverty due to the EU dictated austerity policies, especially in the public sector and social policies, but also due to political instability, became visible also as a serious step back in social and economic status of women.

In 2008, CEDAW Committee gave to the Republic of Slovenia the following priority recommendations:

- Strengthening of the mandate, status and visibility of the Governmental Office for Equal opportunities including its financial and human resources;
- Insuring independent status of the Advocate of equal opportunities of women and men;
- Strengthening of the efforts for stronger representation of women in political life and their participation in political decision making.

The significant facts to stress out:

1. The gap between very dispersed but rather good laws aiming to erase gender based discrimination and foster equal opportunities for women and men and their equal enjoyment of the results of the social and economic progress of the nation, or equal sharing of the burdens of the economic crisis, and their practical implementation has not diminished, it has widened. Solving of the public debt has degraded into politics of transferring the burdens of the crisis to the shoulders of employees, socially vulnerable, pensioners and youth. Women, as employees, mothers and care givers, are

suffering additional deprivations, because of shrinking of social transfers and reduced accessibility and availability of the public services of the welfare state.

2. Most of the attempts of improvement of the legal frameworks which have proven to be insufficient have failed. New Family Code was overruled with the referendum aiming to enable the same sex partners the right to adopt the children of the partner. NGO's requests for the improvements of the Penal Code with regard to violence against women did not succeed. The newly proposed act on equality between women and men has failed. There were two semi-steps forward as well: In December Slovenia finally ratified 2014 CoE Istanbul Convention – but with all possible reservations which announce long battle for needed legal improvements especially concerning the protection and economic indemnities for the victims of gender based violence. In 2010 Slovenian government also accepted its first NAP for the implementation of UN SC Resolution 1325, but the implementation was severely limited due to the lack of sufficient funding. The biggest was the backlash with the regard to national gender equality mechanisms, going in the opposite direction of all recommendations of the CEDAW Committee. Instead of them being strengthened, better financially and personally equipped and made more visible, they were all dismantled, impoverished and marginalised.
3. Institutional support for gender equality has drastically worsened, as the Governmental Office for Equal Opportunities with its own budget and staff has been abolished in 2012. A part of staff was moved in the scope of Ministry of Labour as a small sector without its own budget. Deputy Ombudsman for gender equality has not been established. Advocate for Equal Opportunities of Women and Men was further disempowered inside the Ministry of Labour. Since 2012 the Government Council for the implementation of the principle of equal treatment, set up according to the law, was shut down. The Commission on Petitions, Human Rights and Equal Opportunities works in the National Assembly and is dealing with gender equality, but has no real power besides debating and placing initiatives. Gender composition of this Commission (6 men and 5 women) does not provide an adequate treatment and support to debate on gender equality. Instead of strengthening the authorities and bodies in support of gender equality in Slovenia a degradation of gender equality is happening, it is weakening and it is being completely marginalized, in addition to this, there is a complete lack of understanding of the concept and importance of equality between women and men.

4. In the period after the fourth periodic report the gender quotas have begun to more effectively operate in the electoral legislation after 10 years of transition period, especially for municipal councils. At local elections in 2014 the statutory provision was implemented that all lists of candidates have to have in the first half at least 40 % of male and female candidates and classify them according to the zipper principle. The proportion of women councillors after the last local elections also rose from 22 % to 32%. Still, there are municipalities without a single female councillor; in addition, the proportion of women mayors of all municipalities is only 7,5 %.

Equality and gender discrimination (references to articles 1, 3, 4, and 5 of CEDAW)

Women in Slovenia, like in most EU countries, are facing stereotypes that are restraining them from fully exercising their right to equal treatment in particular in the field of labour, access to employment, equal remuneration and, consequently, participation in public political life and political and economic decision-making. Apart from that the efforts of the Government of the Republic of Slovenia to address the economic crisis and to achieve stability of the public finances led to the adoption of a number of measures which have indirect consequences on gender inequality.

Suggested Question:

- **How and when will the state ensure the implementation of legal provisions on institutions and bodies to promote gender equality and the implementation of measures to support the realization of substantive equality between women and men in the areas mentioned?**

Article 2: Obligation to Eliminate Discrimination

The Republic of Slovenia does not provide protection against discrimination of women. Extremely far-reaching protection laws are not implemented; protective mechanisms are inefficient and inadequate in many ways. The extent of unreported discrimination is daunting. Non-discrimination is in breach of impunity by companies, private individuals, as well as the state. The vicious circle is thus concluded: the country is co-responsible for this situation. No efforts for actual equality, cannot replace these shortcomings.

Suggested Questions:

- **Can the state present examples of sanctions imposed for infringement of discrimination against women in employment, work and in connection with work, unequal pay, harassment and dismissal from work, from which their abundance and amount will be clear?**
- **What is the state planning in terms of improving the efficiency of regular legal means against discrimination and ensuring that this will give results?**
- **What resources and to which extent is the state prepared to provide for protection against discrimination, for the functioning of the body for equality and for the support of non-governmental organizations that could help defend victims of discrimination through legal means?**
- **What did they do and how did the existing institutions for gender equality operate in the adoption of legislation that most affect the disadvantage of women, especially because the majority of adopted legislation is in jurisdiction of the Ministry of Labour, Family, Social Affairs and Equal Opportunities?**

General recommendation 19: Violence against women

Since 2008, in the field of violence against women quite a few changes have happened, however deficiencies, that have a major impact on the disadvantage of women - victims of violence, have been revealed. It has to do with legislative shortcomings, which do not impose penalties for violations of the measures. Women are secondary victims in the procedures, where they have to prove they have been victims of violence; in the processes of the courts, the police and the prosecutor. The criminal offence of threat is carried out only on a private lawsuit; therefore the victim must initiate the process herself. National authorities do not inform the victims of violence about the release or escape from detention or imprisonment of persons that are being prosecuted or are sentenced for an offence against these victims. Such information current legislation does not permit, except with the consent of the defendant or convict.

Suggested Questions:

- **What steps will be taken by the state to ensure greater safety of victims at all stages of the process of preventing violence against women?**

- **What will the state do about the fact that the number of reported offences against women is declining, while at the same time, we see that violence is increasing, as a result of the economic and financial crisis?**
- **Is the state prepared to supplement the current legislation by tightening criminal penalties for perpetrators and to improve the protection of victims?**
- **How will the state provide a comprehensive and coordinated collection and processing of the data on violence against women on the basis of uniform classification of violence and to make the data public?**
- **When will the state began to prosecute the criminal offence of threat ex-officio again?**

Violence at the workplace (reference to different articles and recommendations of CEDAW)

Sexual harassment and gender based harassment at the workplace are still present in the form of violence. Visibility, recognition and awareness of the harmful effects of these phenomena have been reduced since labour legislation in the same chapter also includes mobbing. Employers adopt regulatory acts due to legal requirements designed to protect the dignity, but practice shows that sexual harassment and gender based harassment have not been given enough attention. The phenomenon is not sufficiently researched on a national level.

Suggested Questions:

- **What will the state do for better visibility, recognition and awareness of the harmful effects of the problem of sexual harassment and gender based harassment at the workplace?**
- **What is or will the state do to support victims of sexual harassment and gender based harassment at the workplace so that they will feel sufficiently supported and protected in the event of reporting sexual harassment?**
- **What will the state do for the efficient development of a network of advisory, legal and other forms of assistance to victims of sexual harassment and gender based harassment at the workplace in terms of institutional support, call projects and funding?**

Article 6: Trafficking and Prostitution

In the field of preventing and combating of trafficking in Slovenia there are some improvements, but there are areas of work with people with experience of trafficking, which are still not sufficiently regulated. These areas are: lack of systematically organized reintegration, difficulties in providing medical care to victims of trafficking and involvement in the school system. The lack of systemic regulation has also been seen in the education of professionals, especially social workers and employees in the educational sector. Women are most often exploited for the purpose of forced prostitution; a large proportion of women among the victims of human trafficking is also in the field of labour exploitation.

Suggested Questions:

- **When will the state regulate systemic comprehensive protection for the victims of human trafficking (basic and additional health insurance, inclusion in the school system, child care of unaccompanied children and compensation)?**
- **Can the state present numerical and substantive information on convictions given in the years from 2008 to 2012 in the field of trafficking of women and prostitution?**

Article 7: Political and Public Life

In the last four years, the proportion of women in representative bodies (National Assembly and municipal councils, as well as in government) has increased. This result is partly due to the adoption of positive legal measures on the one hand and changes in the political arena on the other hand. This is mainly because of the formation of new political parties that won the early elections to the National Assembly twice in a row (2011 and 2014) and significantly contributed to increasing the share of women. All previous attempts to influence the work of political parties and women's civil society and experts in order to change the electoral system, which would allow for the efficient use of gender quotas and would gradually lead to a more balanced representation of women and even parity, were not successful. Visible and prominent female politicians until recently received a variety of disqualifications by the opposition and the media on the basis of their gender (single woman, woman without children, appearance, length of skirt, way of dressing), double standards (knowledge of English, the nomination procedure for the Commissioner in the European Commission),

placing offensive labels (woman shaman). Such an attitude towards female politicians gives a clear signal to all women, which is, that for them to enter and operate in politics is significantly more difficult than for men.

Suggested Questions:

- **In what way the state will undertake the necessary changes to election law for the implementation of 40 % participation of women in all political authorities, institutions and working bodies at all levels of political decision-making?**
- **How will the state ensure zero tolerance policy towards hate speech and harassment of female politicians and other women in public life?**

Article 9: Nationality

Due to the removal from the register of permanent residents in 1992; women, men and children have lived in Slovenia without a legal status for many years (42 % of women and 58 % men. 79 % of the erased were adults and 21 % of children¹). For many of them it meant more (legal) vulnerability in relation to other people and in contact with various institutions, while not being able to exercise the rights and protection that would belong to them, had they not been erased (social protection transfers, enrolment in institutions of secondary and tertiary education, access to medical care, the possibility of an employment relationship, the right to buy a social-owned apartment, etc.). General standards and measures to protect women and vulnerable groups (protection against sexual violence, fair treatment in the event of divorce, the protection of reproductive health), in the case of the erased women were not used. Legal actions taken until now in the Republic of Slovenia are not sufficient to fix the rights of erased women.

Suggested Questions:

- **Why does the state not abolish legal requirements and simplify the procedure for issuing a permit for permanent residence?**
- **Why does the state not take an action to simplify family reunification solely on the basis of the status of the erased person?**

¹ *Peace Institute, Erased, Statistics, 2014 Available only in Slovene at: <http://www.mirovni-institut.si/izbrisani/statistike/?lang=sl>, 19. 12. 2014.*

- **Why does the state not enable an acquisition of non-profit housing for all persons with permanent residence in Slovenia?**
- **Why does the state not recognize the right to compensation for all erased no matter what settled status is?**
- **Why does the state not provide a compulsory and supplementary health insurance to all erased?**

Article 11: Employment and Labour Market

The lower employment rate for women, steady growth of unemployment among women and at a higher level than male unemployment, long-term wage gap, the difference in pensions and consequently poverty of women in old age, constantly high load of unpaid work in addition to paid work, show that most women do not enjoy equal opportunities in the labour market, employment and retirement and that savings measures taken have increased gender inequality, as they affect women more than men.

Suggested Questions:

- **How will the state embark on reducing the unemployment rate of women, especially young women, because until now there have been no specific measures taken to reduce it?**
- **How will the state provide written prohibition of discrimination against women in employment, promotion and career education because of the potential of motherhood and family?**
- **In what way will the state ensure enforcement of the provisions on equal pay for equal work or equal pay for work for equal value?**

Article 12: Health and Family Planning

In recent years, the level of sexual and reproductive health and rights in Slovenia is lowering. This is affected by the changes in the health care legislation and implementing regulations, the absence or unavailability of health strategies (integrated health strategy, strategy to protect sexual and reproductive health, strategy of quality and safety). National screening program for the early detection of breast cancer has been operating inappropriately, which is reflected in the long-term increase of the incidence of breast cancer. With regard to maternal mortality it is not possible at this moment to determine whether the increase in maternal deaths has

stopped. The access to the gynaecologists at the primary level is decreasing. Young people who do not have adequate information are particularly at risk, this is because there is no education on healthy sexuality in schools and there is a lack of appropriate treatment in special counselling centres for youth. Due to a lack of strategies further development of prevention programs is stalled, there are no planned improvements to the programs contents, human resource capacity at the primary level and monitoring the implementation of reproductive health. Women from vulnerable groups are affected the most (teenage girls, poor women, refugees, Roma women, female victims of violence), as well as men and differently sexually oriented, who have no access to reproductive health.

Suggested Questions:

- **What are the obstacles that prevent Slovenian government to develop and implement strategy to improve sexual and reproductive health?**
- **What immediate measures will Slovenian government undertake to decrease the incidence of breast cancer?**
- **What are the priorities of Slovenian government regarding the improvement of sexual and reproductive health and rights in general and especially with the respect to adolescent?**

Article 13: Economic and Social Benefits

With the adoption of new social legislation, savings measures and their implementation in 2012, the economic situation of women has worsened significantly. Although measures that have been taken were gender neutral, their implementation worsened the situation of women more significantly than men because they are the majority recipient of social benefits. At the preparation of these measures no analysis of the consequences of legislation regarding gender was prepared, which should be a legislative and political imperative.

Suggested Question:

- **How will the state provide better economic and social position of women, especially regarding old women who live below the poverty rate or at risk of poverty and single mothers with children, in relation to austerity measures taken?**

Article 16: Marriage and Family Life

Family life in Slovenia is characterized by plural family forms and partnerships, which the new Family Code has tried to regulate, but in 2012 it was rejected with a referendum. Most of the changes in family life have happened when giving custody of the child when parents divorce and in increase of the proportion of single-parent families. The least changes have been observed in the distribution of domestic and care work between men and women in the private sphere. The phenomenon of forced marriages exists, according to the known cases among the Roma population, but is regarded as a cultural feature of an ethnic group.

Suggested Questions:

- **What measures will be taken by the state to improve the situation of mothers in the single-parent family and for a more equal distribution of the burden of working women with family and caring responsibilities?**
- **When will the state ensure equal rights to families of homosexual parents?**
- **What will the state do to prevent forced marriages of underage girls, especially in the Roma communities?**

Responsibility of the state for the establishment of the efficient mechanism for the recovery of maintenance (reference to the different articles and recommendations of CEDAW)

In order to ensure real gender equality, the state has to provide single-parent families; more than 90 % of them are single mothers in Slovenia, an appropriately high maintenance; so that they can support their children without the risk of compromising their economic and social status. The state does not ensure effective enforcement proceedings due to unpaid maintenance obligations, consequently women - single mothers are again placed at a disadvantage and their economic independence and social power are weakened.

Suggested Questions:

- **How will the state provide substantive equality for children and set minimum maintenance amount to at least half of the minimum wage (and according to this give an exemption from this amount)?**
- **What did the state commit to a more effective way of enforcement of maintenance and to ensure the payment of maintenance obligations?**

Enforcement of the compensations according to the Crime victims Compensation Act for the citizens of third world countries (reference to the different articles and recommendations of CEDAW)

Crime Victim Compensation Act² is discriminatory because a formal condition for obtaining compensation under this Act is the citizenship of the Republic of Slovenia or other EU Member States. In Slovenia, according to experience of non-governmental organizations women victims of trafficking dominate, these are in majority third world country nationals and are not eligible to compensation under applicable law. Crime Victim Compensation Act allows crime victims of violent crime in Slovenia and the EU Member States to obtain compensation upon the satisfaction of certain conditions without triggering an action for damages (for children, the disabled or victims of domestic violence). An assumption of non-payment is established, that it is impossible to recover compensation from the offender. This presumption does not apply to those victims of trafficking who otherwise meet the conditions for recognition of compensation and for victims of sexual abuse when the abuse does not occur in the family. Victims must initiate legal proceedings, which may last for several years. If the compensation is not paid they have to initiate enforcement proceedings, and if it is demonstrated these are unsuccessful, they are entitled to compensation. Victims of human trafficking and sexual abuse are particularly vulnerable and the assumption of non-payment should also apply in their case.

Suggested Questions:

- **How is the state planning to eliminate discrimination against women - citizens of third countries or without citizenship who are victims of crime to obtain compensation?**
- **How will the state eliminate discrimination against women from countries outside the EU who are victims of trafficking and victims of sexual abuse concerning entitlement to compensation under the same conditions as all other victims using the assumptions of non-payment?**

² Crime Victim Compensation Act, Official Gazette of the Republic of Slovenia, No. 86/10. Available at: http://ec.europa.eu/justice_home/judicialatlascivil/html/pdf/national_law_cv_sln_en.pdf, 28. 2. 2015.