The Policy on Gender Equality in Slovenia

Study for the FEMM Committee
The Policy on Gender Equality in Slovenia

Abstract

Upon request by the FEMM Committee, this analysis provides an overview of the existing Slovenian legislation and policies concerning gender equality. It looks into the situation as regards gender equality in several areas, including employment, reconciliation of work and private life, presence of women in decision-making positions, measures to combat gender-based violence and trafficking in human beings, as well as the area of sexual and reproductive rights. While progress in various areas can be noted, there are still gaps that need to be addressed.
DOCUMENT REQUESTED BY THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

AUTHORS

Živa Humer
Saša Panić (administrative support and data collection)
Mirovni inštitut/ Peace Institute, Ljubljana, Slovenia

RESPONSIBLE ADMINISTRATOR

Ottavio Marzocchi
Policy Department C: Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Bruxelles
E-mail: poldep-citizens@europarl.europa.eu

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poldep-citizens@europarl.europa.eu

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EXECUTIVE SUMMARY

Gender equality in Slovenia is slightly above the EU average, according to the EU Gender Equality Index. In spite of progress over time, there are still challenges ahead.

The general non-discrimination framework providing for gender equality was adopted at the beginning of the new millennium in the process of the Slovenian accession to the EU. In spite of the legislation in place, the existing evidence suggests that Slovenia has yet to provide for an effective system of protection against discrimination.

Indicators measuring labour activity have, historically, shown better results for men than for women, and the situation in the independent Slovenia has, generally, followed such patterns. The current economic crisis resulted in decreased labour force participation rates and employment rates in the period from 2008 to 2013, but both rates for men were more than 10 percentage points higher than that for women. With regard to unemployment rates, the general historic pattern changed in 2009 and 2010 when the unemployment rates for men exceeded women’s unemployment rates. This was the result of the economic crisis which initially hit those sectors predominantly employing male workers such as the construction industry. The economic crisis was addressed through the adoption of austerity measures which adversely affected women, and years 2012 and 2013 again saw higher unemployment rates for women than for men. Elderly persons in Slovenia, particularly women, experience very low employment rates, and elderly women are one of the social groups most at risk of poverty and social exclusion.

In the former Socialist Federal Republic (SFR) of Yugoslavia, women were expected to perform both in the field of labour and in the private sphere, and there was no notable breakthrough with regard to the traditional gender roles in the private life. Public authorities in the independent Slovenia, particularly after the year 2000, introduced some measures to address this situation, but with limited success. Performing of tasks in the private life (e.g. care for children, everyday tasks in households) is still largely the women’s domain.

In the first decade and a half of Slovenian independence, there were no gender quotas in place and the representation of women in political decision-making position was poor. Under pressure, including by civil society organisations, mid-2000s saw the adoption of legislative changes determining gender quotas in different types of elections, the only exception being elections to the National Council of the Republic of Slovenia, the upper house of Parliament. Existing evidence suggests improvements in several areas, but the share of women in political-decision making positions still does not reflect their share in the general population.

The share of women in decision-making position in business sector has been constantly low. Women also tend to be poorly represented in the decision-making positions in employee and employer organisations.

Gender-based violence in Slovenia was traditionally addressed within the criminal justice system, where the focus is on the crime and the offender and not on the victim. In the recent period, more attention has been given to the needs of the victims. In 2003, the police was empowered to issue restraining orders if there were reasons to suspect that
the offender was about to endanger the life, personal safety or freedom of a person with whom he/she was or has been in a close relationship.

The 2008 Family Violence Prevention Act was the first comprehensive legislative response to the needs of victims. One of the goals of this act was to shift the focus from perpetrators of criminal acts in criminal proceedings to victims and to the support they needed. Generally, the area of family violence is addressed most comprehensively by legislation and policy and also most services are developed and provided in this area.

In spite of the adoption of a relatively comprehensive legal and policy framework, particularly in the field of prevention of domestic violence, there are challenges that need to be addressed such as e.g. legal inconsistencies and practical obstacles with regard to enforcement of restraining orders issued to the violators and lenient sentencing of such perpetrators; women in Slovenia do not have equal access to support services, as there is a lack of such services, heavy workload imposed on the police officers, state prosecutors, judiciary and social workers results in poorer quality of support services aimed at victims.

Trafficking in human beings was firstly outlawed in 2004 when amendments to the then Criminal Code were adopted. Policy related to the fight against trafficking in human beings is determined in the action plans prepared by the Inter-departmental working group for combating trafficking in human beings, a body set up by the government in 2003. The body, composed of representatives of public authorities and civil society organisations, also monitors the implementation of the action plans. Practical support to victims is provided by two NGOs, and these organisations also carry out most of the awareness-raising activities.

Slovenia has a fairly generous framework governing women’s sexual and reproductive health and rights. Women have direct access to gynaecology services at the primary level of the health care system, but in practice this might prove difficult or particularly poor in some local areas. Abortion rates in Slovenia have been decreasing and the country performs well as regards women’s access to both abortion procedures and assisted reproduction technologies. There are fears, however, that adopted austerity measures might impede access of women of disadvantaged groups to these services. Another worrying issue is the exclusion of single women and women in same-sex partnerships from the provision of ART.
1. GENERAL INFORMATION

KEY FINDINGS

- The women’s movement, or feminist movement, is the civil society movement with the longest tradition in Slovenia. It was active in the former states and importantly contributed to the foundation of gender equality policy in the newly independent state, particularly its institutionalisation.

- The general non-discrimination framework providing for gender equality was adopted at the beginning of the new millennium in the process of the Slovenian accession to the EU.

- In spite of the legislation in place, the national gender equality machinery shows a series of serious shortcomings. At governmental level, policy tasks have been transferred from a government office to a department within a ministry, with a decrease in the number of employees working in the field of equal opportunities. The Commission has also launched an infringement procedure to ensure the independency of the equality body form the government. Furthermore, only a low number of cases is brought to the authorities’ attention. These elements suggest that Slovenia failed to provide for an effective system of protection against discrimination.

- In terms of the integration of the principle of gender equality (i.e. gender mainstreaming), most notable activities in Slovenia were often implemented on project basis and with support from EU funds.

1.1. Background

The women’s movement, or feminist movement (some scholars consider the feminist movement as the reform movement within the women’s movement focusing on the origins of inequalities between women and men) is the civil society movement with the longest tradition in Slovenia.¹

The first wave of the feminist movement in Slovenia in the second half of 19th century and the first decades of the 20th century fought for the right to vote, to equal pay, pension insurance for all workers, for the elimination of discrimination in the private sphere, and the right to abortion and for the equality of children born in and out of the wedlock. They also promoted the education of women and equality between women and men in politics.²

During the WW2, women’s organisations focused on charity work and were closely connected with the national liberation movement against fascism and Nazism. In 1942,

women were granted the right to vote in the territory controlled by the national liberation movement. After the war, in 1946, the right to vote was enshrined in the Constitution of the then Yugoslavia. The Constitution also guaranteed the equality of women and men in marriage, it legalised divorce and ensured the equality between children born in and out of the wedlock. In 1974, the right to abortion was protected by the Constitution.3

The second-wave feminism began in the late 1970s and reached its peak in the 1980s. Although the Western feminist movement influenced the feminist movement in the former Yugoslavia, including in Slovenia, feminism in the late seventies emerged from the rebellion against the ruling party and its paternalistic attitude towards women.4

The Slovenian feminist movement importantly contributed to the foundation of gender equality policy in the newly independent state, particularly its institutionalisation. The crucial event, which brought together feminist organisations and the majority of political parties, was the attempt by the conservative political parties to revoke the right to abortion in the procedure for adoption of the Slovenian Constitution in December 1991.5 Apart from the preservation of the right to freedom of choice regarding childbearing, the results of this alliance included the establishment of the then Commission for Women’s Politics in 1990 by the National Assembly, while the government set up the then Office for Women’s Politics in 1992.6

The 1990s were the period of NGO-isation of the feminist movement in terms of institutionalisation, formalisation and professionalisation. The majority of these NGOs work today in the field of prevention of gender-based violence, particularly domestic violence.7 The work of these NGOs was instrumental in adding the victims’ perspective to the public agenda, and they played a significant role in the development of the relevant legislation in this area. Domestic violence is addressed most comprehensively by legislation and policy and also most services are developed and provided in this area.

The general gender equality and non-discrimination legal framework was adopted during the process of the Slovenian accession to the EU as a part of the transposition of the Community acquis.8 In this period, the National Assembly adopted the Equal Opportunities for Woman and Men Act and the Implementation of the Principle of Equal Treatment Act, the former act serving as a basis for the adoption of the principal national policy document in the field of gender equality.9

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As of 1 July 2014, there were 1,040,204 women living in Slovenia, representing 50.46 percent of the total population.\textsuperscript{10}

According to the EU Gender Equality Index, \textbf{Slovenia qualifies among the EU Member States with the above-average gender equality rate}. Slovenia scores better than the EU average in the domains of work (participation, segregation and quality of work), money (financial resources, economic situation), knowledge (educational attainment and segregation, lifelong learning) and time (care activities, social activities), while performs below average in the domains of power (political power, economic power) and health (status, access).\textsuperscript{11}

\textbf{1.2. Gender equality in law and policy}

This section presents the general legal and policy framework on gender equality. A table summarizing the legislative developments, as well as the changes in the national machinery for gender equality can be found at the end of the chapter, while more information on legislation and policies covering specific areas relevant for gender equality may be found in Section 2 below.

\textbf{1.2.1. Main legislation and policies}

The general non-discrimination framework providing for gender equality was adopted at the beginning of the new millennium in the process of the Slovenian accession to the EU.

In 2002, the National Assembly adopted the \textbf{Equal Opportunities for Woman and Men Act}. The aim of the act is to determine common grounds for the improvement of the situation of women and the creation of equal opportunities for women and men in political, economic, social and educational fields as well as other fields of social life.\textsuperscript{12} The act \textit{prohibits direct and indirect discrimination} and allows for the implementation of general and special measures required for achieving equal treatment of and equal opportunities for women and men.

It also provides for the establishment of the \textbf{Advocate for Equal Opportunities for Women and Men}, a body tasked to hear cases of gender-based discrimination. The body was formally operational until September 2008 when the government appointed a single \textit{Advocate of the Principle of Equality} to her cases of discrimination on all relevant grounds, including gender (please see more on this body below). At the end of 2014, there was thus no specific body hearing cases of gender-based discrimination as required by the Equal Opportunities for Woman and Men Act.

This act also imposes an obligation on the government to submit to the parliament a proposal of the Resolution on the \textbf{National Programme for Equal Opportunities for Women and Men}. The national programme shall determine basic policies regarding equal opportunities, aims and measures for the achievement of goals in specific fields of social

\textsuperscript{10} Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia.

\textsuperscript{11} \url{http://eige.europa.eu/content/gender-equality-index; eige.europa.eu/apps/gei/content/EIGE-Gender-Equality-Index-2010.xlsx}. All hyperlinks were accessed on 9 February 2015.

\textsuperscript{12} Pursuant to this act, gender equality shall mean, among other things, that women and men equally participate in all fields of public and private life and that they have equal status and equal opportunities for the enjoyment of all rights.
life, responsible bodies for the implementation of measures, and it shall also determine data to be collected, analysed and presented in gender-sensitive manner. The government adopts the two-year periodic plans which are implementing documents of the national programme laying down required activities in a specific field of life.13

The National Assembly adopted the first national programme in 2005 covering the period until 2013, which stipulates the general strategic objectives, as well as specific objectives, to be achieved in the field of gender equality in the period at stake.14

In 2004, the National Assembly adopted the Implementation of the Principle of Equal Treatment Act, the umbrella act in the field of non-discrimination. The act was introduced to ensure ‘equal treatment of all persons in performing their duties and exercising their basic freedoms in every field of social life, and especially in the fields of employment, labour relations, participation in trade unions and interest associations, education, social security, access to and supply of goods and services. This shall be available, irrespective of personal circumstances such as nationality, racial or ethnic origin, sex, health state, disability, language, religious or other conviction, age, sexual orientation, education, financial state, social status or other personal circumstances.’ It prohibits direct and indirect discrimination, harassment at workplace, instruction to discriminate and victimisation.15

1.2.2. National gender equality machinery

The 2002 Equal Opportunities for Woman and Men Act placed the then governmental Office for Equal Opportunities at the centre of the national machinery for gender equality. The Office was charged with a series of important tasks such as, among others: monitoring the implementation of the provisions of Equal Opportunities for Woman and Men Act and regulations enacted on its basis; monitoring specific fields of social life with a view to gender equality and drafting proposal for the government and ministries for adopting or amending laws and other regulations, or for adopting other measures; coordinating activities aimed at implementing gender mainstreaming, including providing expert

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14 These, among other things, include: adequate organisational structure and capacity of human resources for effective implementation of the integration of the principle of gender equality (gender mainstreaming); equal opportunities for women and men in employment and at work (to reduce incidence of gender discrimination in employment and occupation, to reduce differentials in employment and unemployment rates between women and men); reconciliation of work and private life (to improve public and support services to ensure the reconciliation of work and family life); education for gender equality and promoting equality of women and men in education and training; quality health care adapted to the needs of women and men; social inclusion and poverty reduction among women and men; equal sharing of family work between men and women and responsible partnership and parenthood; regulatory framework of prevention of violence against women (to improve the treatment of women victims of violence and perpetrators of violence); prevention of human trafficking and sexual exploitation through prostitution and pornography; balanced representation and participation of women and men in political decision-making (to increase representation and participation of women at all levels of political decision-making and the creation of a political culture based on gender equality); representation of women and men in appointed positions in the public administration and justice; representation of women and men in decision making in the socioeconomic area (to increase the representation of women in decision making positions in the economy, trade unions, associations and other organisations).... See: Resolution on the National Programme for Equal Opportunities for Women and Men (2005 - 2013) (Resolucija o nacionalnem programu za enake možnosti žensk in moških, 2005-2013), available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=RESO29.

assistance for the development of appropriate methods and techniques; coordinating the preparation of the national programme for equal opportunities and monitoring its implementation; preparing proposals for research and analyses required for the implementation of the national programme; cooperating with non-governmental organisations active in the field of equal opportunities and co-funding their initiatives.

In 2012, upon adoption of the Act Amending the State Administration Act, the government Office for Equal Opportunities was closed down and its tasks were transferred to the Ministry of Labour, Family and Social Affairs and its newly established Equal Opportunities and European Coordination Service. After the outburst of the economic crisis, as a part of austerity measures, the then government initiated the institutional reorganisation of public administration in an attempt to cut its costs.

Currently, the tasks of the national gender machinery are performed within the recently established Department for Equal opportunities at the renamed Ministry of Labour, Family, Social Affairs and Equal Opportunities. Compared to the past, the number of staff in the field of equal opportunities has decreased.

Pursuant to the Equal Opportunities for Woman and Men Act, each ministry appoints a coordinator for equal opportunities for women and men. This person coordinates the activities by ministries with a view to gender equality perspective and cooperates with the national body responsible for gender equality policy.

The self-governing local communities may also appoint a coordinator for equal opportunities for women and men. The local coordinator may submit proposal concerning gender equality to local authorities when they adopt development plans and other decisions. According to the most recent available data, such a coordinator has been appointed in 42 out of 211 municipalities.

1.2.3. Equality body

The 2004 Implementation of the Principle of Equal Treatment Act establishes the Advocate of the Principle of Equality, the equality body whose purpose is to hear cases of alleged violations of the ban on discrimination. Competences of the Advocate include independent assistance to victims of discrimination, independent surveys concerning discrimination and publishing independent reports. The Advocate hears cases of alleged discrimination on all the relevant grounds. Since September 2008, it also formally observes cases of gender-

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17 http://www.non-discrimination.net/content/media/SI-31-Office%2for%20Equal%20Opportunities%20Closed%20Down.pdf.
18 http://imss.drs.si/imis/cb0d2b250949942f52a8.pdf.
based discrimination.\textsuperscript{21} The Advocate currently functions as a public servant within the Equal Opportunities Department at the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

In spite of legislation in place, the existing evidence suggests that Slovenia has failed to provide for an effective system of protection against discrimination. Cases of gender-based discrimination in Slovenia are rarely reported to the responsible bodies. For example, the Advocate of the Principle of Equality received a total 75 discrimination-related complaints in 2012, of which six were related to gender/pregnancy.\textsuperscript{22}

The Advocate notably underlined in a 2011 report on the national non-discrimination framework machinery that the Slovenian equality body is, in essence, one-public servant body which is not independent from the authorities, has no independent budget line and is vulnerable to government interventions. In the Advocate’s opinion, a drop in the number of complaints claiming gender discrimination lodged by women may be attributed to the fact that the post of the Advocate is held by a man, and women might be reluctant to report their victimisation.\textsuperscript{23}

These and other concerns were taken up by the European Commission, which initiated in July 2014 an infringement procedure against Slovenia for its failure to provide for institutional arrangements concerning the equality body in Slovenia in line with Directives 2000/43/EC, 2004/113/EC and 2006/54/EC. Among others, the Commission established that it is not clear if the Equal Opportunities Service, established within the ministry responsible for equal opportunities, is authorised to conduct studies in the field of gender equality. Even if this is the case, it is not clear if it is ensured that studies are independent because of the fact that the Service is a part of the Ministry. With respect to the status of the Advocate of the Principle of Equality, the Commission established that as a one-person body, and without any additional assistance, the Advocate does not have the capacity to effectively observe all received complaints and to provide adequate assistance to victims. It also found that the Advocate lacks budget independence and that independence in procedures of appointment of the Advocate is not ensured.\textsuperscript{24}

\textsuperscript{21} A case has to be concluded by a written opinion in which the Advocate states her or his findings and an assessment of the circumstances of the case, in the sense of the existence of a violation of the ban on discrimination, and informs both parties about it. The Advocate can point out irregularities and issue a recommendation on how these should be rectified, as well as call for the alleged offender to inform her or him, within a specified time-limit, of the measures taken. In case established irregularities are not rectified or an alleged violation has all the indications of discrimination, the Advocate sends a written opinion to the competent inspection service. See: Implementation of the Principle of Equal Treatment Act (Zakon o uresničevanju načela enakega obravnavanja), 22 April 2004, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa? sop=2004-01-2295, unofficial consolidated text.

\textsuperscript{22} Data provided by the Advocate of the Principle of Equality upon request.


\textsuperscript{24} http://www.non-discrimination.net/content/media/SI-41-Infringement_Procedure.pdf.
Table 1 on main legislative developments referred to in this section

<table>
<thead>
<tr>
<th>Act</th>
<th>Main content of the Act</th>
<th>National machinery: Governmental Equality body</th>
</tr>
</thead>
</table>
| 2002 Equal Opportunities for Woman and Men Act | - promote **equality** in political, economic, social and educational fields as well as other fields of social life, both public and private  
- prohibit direct and indirect discrimination; allows for general and special measures  
- government charged with launching National Programmes for Equal Opportunities for Women and Men | Office for Equal Opportunities Advocate for Equal Opportunities for Women and Men                                                                                           |
| 2004 Implementation of the Principle of Equal Treatment Act | - umbrella act in the field of non-discrimination  
- promotes **equality** for everybody (sex included) in every field of social life, and especially in the fields of employment, labour relations, participation in trade unions and interest associations, education, social security, access to and supply of goods and services  
- prohibits direct and indirect discrimination, harassment at workplace, instruction to discriminate and victimisation | new Advocate of the Principle of Equality (that co-exists with the Advocate for Equal Opportunities between Women and Men); one person (i.e. public servant) performs both functions |
| Since September 2008 |                                                                                                                                                                                                                       | The Advocate of the Principle of Equality is also charged with gender-based discrimination (the Advocate for Equal Opportunities between Women and Men formally ceased to exist) |
| 2012 Act Amending the State Administration Act | Closure of the Office for Equal Opportunities, tasks transferred to the Ministry of Labour, Family and Social Affairs and its newly established Equal Opportunities and European Coordination Service | Department for Equal Opportunities at the renamed Ministry of Labour, Family, Social Affairs and Equal Opportunities  
(Please note that throughout the period covered by this table the function of the Advocate(s) / equality body(ies) has been performed by a single public servant employed with the existing office or department (Office for Equal Opportunities, Equal Opportunities and European Coordination Service, and Department for Equal Opportunities.) |
1.2.4. Gender equality and mainstreaming activities

In terms of the integration of the principle of gender equality (i.e. gender mainstreaming), most notable activities in Slovenia were often implemented on project basis and with support from the EU funds. In 2007, the then Office for Equal Opportunities implemented the project entitled ‘Gender equality in local development’. The project consisted of the preparation of guidelines for the integration of the principle of gender equality in local development, ten workshops aimed at identification of gender equality issues at local level, one workshop on drafting the strategies on gender mainstreaming at local level, all targeting public servants in local communities, local social workers, representatives of local offices of the Employment Service of Slovenia, as well as representatives of local NGOs and education institution.²⁵

In 2007 and 2008, the then Office for Equal Opportunities carried out a project aimed at raising awareness of the importance of gender mainstreaming in the state administration. The project consisted of an analysis of the use of gender equality tools by the state administration, workshops targeting high representatives of the state administration, as well as trainings aimed at coordinators for equal opportunities and their deputes in government ministries.²⁶

Between 2010 and 2012, the then Office for Equal Opportunities, and later the then Equal Opportunities and European Coordination Service, implemented project entitled ‘Integration of the Principle of Gender Equality – Strategic’, also funded by the EU. The project was aimed at establishing gender mainstreaming and gender impact assessment as a part of the design and implementation of national policies, particularly policies on development planning. The project included research initiatives as well as workshops and other activities. Among others, the activities resulted in the preparation of an internet tool on gender equality issues, the preparation of guidelines for the integration of gender equality in development planning policies, including with a view to gender budgeting.²⁷

2. THEMATIC AREAS

2.1. Women in the labour market

**KEY FINDINGS**

- **Gender-based discrimination in employment is outlawed** in several legislative instruments. The field of employment tends to be the most comprehensively covered field of life in terms of provisions guaranteeing equal treatment. The Employment Relationships Act, among other things, prohibits direct and indirect discrimination, sexual harassment at workplace and victimisation.

- Cases of gender-based discrimination in employment are rarely identified by or reported to the responsible bodies. In spite of legislation in place, existing assessments indicate the general **failure by Slovenia to set up an effective system of protection against discrimination.**

- Indicators measuring **labour activity** have, historically, shown **better rates for men that for women**, and the situation in the independent Slovenia has, generally, followed such patterns. The current economic crisis resulted in decreased labour force participation rates and employment rates in the period from 2008 to 2013, but both rates for men were more than 10 percentage points higher than that for women.

- In 2009 and 2010 the **unemployment rates** for men exceeded unemployment rates for women. This was the result of the current economic crises which initially hardly hit sectors predominantly employing male workers such as construction industry. In 2012 and 2013 the unemployment rates in Slovenia reflected long-term trends and were higher for women. The last developments could be attributed to the adopted austerity measures which adversely affected women.

- Elderly persons in Slovenia, particularly women, experience very low employment rates, and **elderly women** are one of the social groups most at risk of poverty and social exclusion.

- The **Active employment policy** is the main national instrument designed to facilitate inclusion of unemployed persons into the labour market or enhance their employability. The inclusion of specified shares of women in the relevant programmes was not fully met in 2012 and 2013. It seems that existing employment policy measures do not suffice for tackling the current crisis.

- The labour market in Slovenia is characterised by **horizontal and vertical gender segregation**. The largest share of women is employed in human health and social work activities and in education. The share of women in the highest-ranking occupational group (i.e. legislator, senior officials and managers) is lower than the share of men.

- The average gender pay differentials in Slovenia tend to be among the lowest in the EU, but still favour men. The **gender pay gap** decreased to 2.9 per cent in 2009 in terms of average monthly gross earnings, but was in increase in the subsequent years and reached 5.1 per cent in 2012.
The field of employment tends to be the most comprehensively covered field of life in terms of provisions guaranteeing equal treatment. Apart from the mentioned Equal Opportunities for Woman and Men Act\textsuperscript{28} and the Implementation of the Principle of Equal Treatment Act,\textsuperscript{29} the Employment Relationships Act, the principal piece of legislation governing labour relationships in Slovenia, also includes various provisions which promote gender equality. The 2002 Employment Relationships Act, also adopted in the process of Slovenian accession to the EU, transposed several EU instruments guaranteeing equal treatment.\textsuperscript{30} In 2013, it was replaced by a new act, which preserved many previous provisions.\textsuperscript{31}

**Compared to the 2002 act, the new act introduced some more elaborated provisions.** While the former act only stipulated that in cases of violation of the prohibition of discrimination an employer shall be liable to provide compensation to a job candidate or a worker under the general rules of civil law, the new act further added that non-pecuniary damage incurred to a job candidate or a worker shall also encompass mental distress suffered by the victims because of unequal treatment or discriminatory conduct by an employer or because of employer's failure to provide protection against sexual or other forms of harassment suffered by the victim. The law further sets out that when deciding compensation for non-pecuniary damage, it must be taken into account that the compensation is effective and proportional to the damage suffered by a job candidate or a worker and it discourages the employer from repeating the violation. The new act also introduced a specific provision stating that employers may not publicly advertise job vacancies only for men or only for women, unless the employment of a member of one sex represents a significant and decisive condition for work and such a requirement is proportionate to and justified by a legitimate objective.\textsuperscript{32}

**Cases of gender-based discrimination in employment are rarely identified by or reported to the responsible bodies.** For instance, the Labour Inspectorate of the Republic of Slovenia, which also oversees the implementation of the non-discrimination provisions governing the field of employment, recorded one violation of the principle of non-discrimination on the grounds of gender in 2011, no such violations in 2012 and one violation related to pregnancy/gender until 31 October 2013.\textsuperscript{33} As noted in the preceding

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\textsuperscript{28} Equal Opportunities for Woman and Men Act (Zakon o enakih možnostih žensk in moških), 21 June 2002, and further modifications, available at: \url{http://www.pisrs.si/Pis.web/prejsegPredpisa?id=ZAKO3418}, unofficial consolidated text.

\textsuperscript{29} Implementation of the Principle of Equal Treatment Act (Zakon o uresničevanju načela enakega obravnavanja), 22 April 2004, and further modifications, available at: \url{http://www.pisrs.si/Pis.web/prejsegPredpisa?sop=2004-01-2295}, unofficial consolidated text. See also previous Par. 1.1.


\textsuperscript{31} For instance, the new Employment Relationships Act preserved the prohibition of direct and indirect discrimination against job seekers, during employment and regarding the termination of employment contracts. Employers are obliged to provide for equal treatment with respect to access to employment, promotion, training, education, re-qualification, salaries and other benefits from the employment relationship, absence from work, working conditions, working hours and the cancellation of employment contracts. The employers may not discriminate against workers with respect to pregnancy and parental leave. The law further stipulates that instructions to discriminate shall be regarded as cases of direct or indirect discrimination, and provides for the prohibition of victimisation as well as harassment at workplace. In cases where a job candidate or worker presents facts indicating that the principle of non-discrimination has not been respected, the burden to prove the contrary shall rest with the employer. The law also guarantees special protection of women during and after pregnancy (e.g. prohibition of work during pregnancy and breastfeeding which might pose a risk to the women or to her child's health, as well as of night work and overtime work, the right to a breastfeeding break during working time of at least one hour per day). Employment Relationships Act (Zakon o delovnih razmerjih), 5 March 2013, available at: \url{www.uradni-list.si/1/objava.jsp?urlurid=2013784}. See e.g. Directive 2000/43/EC, Directive 2000/78/EC, Directive 2006/54/EC.

\textsuperscript{32} Employment Relationships Act (Zakon o delovnih razmerjih), 5 March 2013, available at: \url{www.uradni-list.si/1/objava.jsp?urlurid=2013784}.

\textsuperscript{33} Data provided by the Labour Inspectorate of the Republic of Slovenia upon request.
section, this probably reflects the fact that Slovenia has failed to provide for an effective system of protection against discrimination.

Indicators measuring labour activity have, historically, shown better rates for men that for women, and the situation in the independent Slovenia has, generally, been the same. Not surprisingly, the current economic crisis resulted in decreased labour force participation rates and employment rates in the period from 2008 to 2013. However, both rates for men, as measured by the Labour Force Survey, were more than 10 percentage points higher than that for women.\textsuperscript{34}

This period of time also saw some notable developments regarding the unemployment rates in Slovenia where the share of men seeking jobs exceeded the share women in 2009 (5.9 per cent for men and 5.8 per cent for women) and 2010 (7.4 per cent for men and 7.1 per cent for women).\textsuperscript{35} Such developments much owed to the current economic crises which hardly hit sectors predominantly employing male workers such as construction industry. However, in recent years, the unemployment rates in Slovenia reflected long-term trends and were higher for women than men in 2012 (9.4 per cent for women, 8.4 per cent for men) and 2013 (10.9 per cent for women, 9.5 per cent for men).\textsuperscript{36}

A study indicates that the austerity measures introduced - notably through the adoption of the Fiscal Balance Act in 2012 - in order to balance public finance, disproportionately affected women. For instance, pay cuts and layoffs in the public sector have a more profound impact on the situation of women, since they represent a significant share of employees in this sector, particularly in the fields of education, health and social work (80 per cent). According to the study, these measures were adopted without assessing its effects on the situation of women.\textsuperscript{37}

Elderly persons in Slovenia, particularly women, experience very low employment rates. In 2013, for instance, employment rates for men and women aged between 55 and 64 years were 41.8 and 25.2 per cent, respectively, while the employment rates for men and women aged 64 years and over were 7.2 and 3.5 per cent, respectively. Elderly women are one of the social groups most at risk of poverty and social exclusion. The at-risk-of-poverty rate for women aged 60 years and over was 22.1 per cent in 2013, compared to 12.1 per cent for men.\textsuperscript{38}

In 2012, a legislative package, namely Exercise of Rights to Public Funds Act and Financial Social Assistance Act, dealing with social assistance, subsidies and family benefits, entered into force.\textsuperscript{39} An analysis of its implementation showed that the material situation of specific groups deteriorated, including single-parent families (84 per cent mothers

\textsuperscript{34} In 2008, labour participation rate for men was 65.7 per cent and 53.6 per cent for women, while, in 2013, it was 63.1 per cent for men and 51.6 per cent for women. The employment rate for men was 63 per cent in 2008 and 57.1 per cent in 2013, while, for women, it was 51 per cent in 2008 and 46 per cent in 2013. Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia.

\textsuperscript{35} Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia.

\textsuperscript{36} Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia.


\textsuperscript{38} Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia.

\textsuperscript{39} Exercise of Rights to Public Funds Act (Zakon o uveljavljanju pravic iz javnih sredstev), 15 July 2010, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4780, unofficial consolidated text; Financial Social Assistance Act (Zakon o socialno varstvenih prejemkih), 13 July 2010, and further modifications, available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5609, unofficial consolidated text.
with at least one child in 2011), and elderly recipients of pension supplement (69 per cent of women in 2011).\(^{40}\) To counter these negative developments some amendments to the mentioned legislation were adopted in November 2013.\(^{41}\)

The **Active employment policy** is the main national instrument designed to facilitate inclusion of unemployed persons into the labour market or enhance their employability. It consists of a variety of measures and sub-programmes. The last Periodic plan for the implementation of the Resolution on the National Programme for Equal Opportunities for Women and Men, covering the years 2012 and 2013, envisaged the inclusion of women in certain measures within the Active employment policy scheme. For instance, the programme of trainings at workplace, in 2012 and 2013, should include 55 per cent of women, the same as programmes of trainings at workplace for students in the last year of their university education and programmes of subsidies supporting employment of graduates. The programme entitled Employ.me, promoting employment of hard-to-employ persons, should also include 55 per cent of women, while the programme promoting the employment of first-time job seekers in the field of social care should include 90 per cent of women. In addition to this, the share of women in programmes promoting entrepreneurship by means of subsidising self-employment should be 40 per cent.\(^{42}\)

According to the report on the implementation of this periodic plan, targeted shares of women were met within the programme of trainings at workplace, the programme promoting the employment of first-time job seekers in the field of social care and programmes promoting entrepreneurship by means of subsidising self-employment.\(^{43}\) In reference to data on increased unemployment rates in last years, it seems that existing employment policy measures do not suffice for tackling the current economic deterioration, including the unfavourable situation in the labour market faced by women.

The labour market in Slovenia is characterised by **horizontal and vertical gender segregation**. In 2013, the largest share of women is employed in human health and social work activities (80.8 per cent), education (78.9 per cent) and other service activities (68.4 per cent), while the fewest women were employed in construction sector (11.7 per cent). The share of women in the highest-ranking occupational group (i.e. legislator, senior officials and managers) was 37 per cent in 2013.\(^{44}\)

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44 Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia. For example, the staff composition in educational settings, which are the largest professional group among active population in Slovenia, markedly differs depending on the level of education system. In 2011, women compose 98 per cent of the staff at the level of kindergartens and 88 per cent of elementary school staff, 66 per cent of upper secondary school teachers and 48 per cent professors at vocational colleges are also women. The share of women among professors in higher education institutions compares favourably to the situation in 1980s (around 15 per cent), but was still only 35 per cent. In the academic year 2012/2013, for instance, the share of women in FTE (i.e. full time equivalent) among full professors was 22 per cent, and 35 per cent among associate professors. See: http://www.stat.si/eng/novica_prikazi.aspx?id=4231; http://www.stat.si/eng/novica_prikazi.aspx?id=5871.
In 2001, the Women in Science Commission was set up within the ministry responsible for science as its expert body for four-year term. The mandate of the Commission has been regularly extended to monitor the situation of women in the field of science and to produce proposals for improvement. In 2011, the Commission conducted a survey on gender situation in the field of science, including with a view to issues of discrimination. The survey sample included 1,100 women and men holding PhD degrees, of which 58% were women. The survey results showed that women tend to perceive their situation to be less favourable compared to men.\textsuperscript{45}

The average gender pay differentials in Slovenia tend to be among the lowest in the EU, but still favour men. According to Structure of Earnings Statistics, the gender pay differentials in Slovenia decreased from 7.2 per cent in 2008 to 2.9 per cent in 2009 in terms of average monthly gross earnings. However, in the subsequent years, the gender pay gap increased, reaching 3.7 per cent in 2010, 4.3 per cent in 2011 and 5.1 per cent in 2012. In 2012, the largest differentials were recorded in human health and social work activities (26.5 per cent) and financial and insurance activities (25 per cent).\textsuperscript{46}

Data on hourly wages broken down by gender are collected every four years through Structure of Earnings Survey. The last available data are from the 2010 survey. The survey results showed that hourly gross earnings for women were, on average, 99.4% of men’s gross earnings. Gross earnings per paid hour of women were EUR 8,51, while men earned EUR 8,56 per hour of work. The Statistical Office of the Republic of Slovenia established that this difference should be attributed to different number of women and men by activities, by occupations, their education and age, as well as some other factors.\textsuperscript{47} With respect to education, the largest difference was between women and men with tertiary education.\textsuperscript{48}

\textsuperscript{45} It showed, for example, that 22.2 per cent of respondents were of the opinion that gender discrimination occurs in the field of science in Slovenia, but only 5.9 per cent of men expressed this opinion, while there were 33.9 per cent of women who shared this opinion. The survey further showed that 46 per cent of female respondents stated that they experienced or witnessed gender discrimination, which compares to 14 per cent of men. It also showed that 26.3 per cent of women opined that discrimination in the field of science occurs because of family obligations, compared to 8.6 per cent of men. Ule M. (2013) ‘Prikrita diskriminacija žensk v znanosti’, in Teorija in praksa, Vol. 50, No. 3-4, pp. 469-481, available at: http://www.fdv.uni-lj.si/docs/default-source/tip/prikrita-diskriminacija-%C5%BEensk-v-znanosti.pdf?sfvrsn=0.

\textsuperscript{46} Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia.

\textsuperscript{47} In 2010, however, women only earned more than men in three activities, namely in in transportation and storage, in water supply, sewerage, waste management and remediation activities and in construction. The largest pay differentials could be found in other service activities (women earned 73.43 per cent of men’s hourly gross earnings), followed by human health and social work activities (women earned 78.37 per cent of men's hourly gross earnings), and financial and insurance activities and real estate activities (women earned 78.65 per cent of men's hourly gross earnings). Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia. See also: http://www.stat.si/eng/novica_prikazi.aspx?id=4820.

\textsuperscript{48} Women with basic education/or less earned 86.06 per cent of hourly gross earnings of men with the same level of education. Women with upper secondary education earned 93.4 per cent and women completing tertiary education received 84.78 per cent of men’s hourly gross earnings. Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia.
2.2. Reconciliation of private and professional life

**KEY FINDINGS**

- In the former SFR of Yugoslavia, women were expected to perform both in the field of labour and in the private sphere, and there was no notable breakthrough with regard to the traditional gender roles in the private life.

- Public authorities in independent Slovenia, particularly after the year 2000, introduced some measures to address this situation, but with limited success. Performing of tasks in the private life (e.g. care for children, everyday tasks in households) is still largely the women’s domain.

- Although some smaller municipalities face obstacles in ensuring childcare services within their territory, Slovenia, generally, has a comprehensive network of preschool education institutions. Existing evidence indicates that Slovenia meets Barcelona childcare targets for the group of children aged up to 3 years, and almost fully meets the targeted rate for children between 3 years of age and primary school age.

- Legislation in Slovenia provides for flexible working time, but both women and men are mostly in full-time employment.

Labour participation of women was encouraged in the former SFR of Yugoslavia, and high employment rates for women improved their situation in terms of economic independence and social rights. Women, however, were expected to perform both in the field of labour and in the private sphere, and there were no notable developments with regard to the traditional gender roles in the private life.49

Public authorities in independent Slovenia, particularly after the year 2000, introduced several measures to address this situation, but with limited success.

A 2005 research study showed, among other things, that a new type of fatherhood, characterised by balanced share of family and parental responsibility between partners in order to provide for better reconciliation of private and socio-economic life, was not an established phenomenon in Slovenia, but one in the making.50

The lack of an equal balance in reconciliation of private and professional life between women and man was further confirmed by the first national survey on gender equality in family life and partnership, which was presented in 2012. It showed that the most


50 Focus group discussions, which were also held during research project, showed that men did not perceive the issue of reconciliation of private and professional life as a problematic one, but rather they perceived it in terms of lack of time, whereas they tend to compensate for this by active involvement in family life on the weekends. As a result, they remained captured in the role of fathers who jumped in, for example, where no one else (e.g. partner, grandparents) could stay at home with a sick child. See: Rener T., Švab A., Žakelj T., Humner Ž. (2005) Perspektive novega očetovstva v Sloveniji: vpliv mehanizma očetovskega dopusta na aktivno očetovanje, Ljubljana, Fakulteta za družbene vede, available at: http://www.arhiv.uem.gov.si/fileadmin/uem.gov.si/pageuploads/Ocetovstvo_posocilo.pdf.
problematic issue tends to be the (un)equal share of everyday tasks in households (e.g. cooking, housekeeping, and ironing).\textsuperscript{51}

According to the 2010 EUROSTAT data, Slovenian women worked an average 40 hours per week in paid employment, while men worked 42 hours. Men, however, spent 27 hours per week, six more than women, for leisure activities, while women spent an average 24 hours per week working in the household and taking care for children, which is 13 hours more than men.\textsuperscript{52}

2.2.1. Parental leave

The 2001 Parental Protection and Family Benefits Act governing the insurance scheme that covers, among others, parental leave and benefits, introduced paternity leave in the Slovenian context. It included 15 days of fully paid leave (full absence from work) to be used during the mother’s maternity leave (later by the time the child reaches six months of age), and 75 days (full absence from work) to be used until the child is 8 years old (later the child’s third birthday), whereas the state only provided for the payment of social security contributions based on the minimum wage. The paternity leave could not be transferred to the mother.\textsuperscript{53}

In 2014, a reform in this field was implemented and a new Parental Protection and Family Benefits Act was adopted. Maternity leave remained the same as in the 2001 Act, lasting 105 days, as fully paid leave granted to mothers. It is intended for the preparation for childbirth and child care immediately after the birth. It may also be granted to fathers under certain conditions (e.g. the mother dies or leaves the child, the mother is under age). The paternity leave is the fully paid leave granted to fathers, lasting 30 days, and is non-transferable. The first 15 days (full or partial absence from work) shall be used until the child reaches 6 months of age, while the remaining 15 days (full or partial absence from work) may be used until the child completes the first year of primary schooling. Upon the expiration of maternity leave, parents may take leave to care for the child which lasts 260 days. Unlike the former act which only stipulated that this type of leave could be taken by either of the parents, the new act defines it as an individual right of each parent. Both parents have the individual right to 130-day childcare leave. However, mothers may transfer 100 days to fathers, while 30 days are not transferable, but fathers may transfer all 130 days to mothers.\textsuperscript{54}

\textsuperscript{51} Based on the survey data, including data on decision-making in households regarding major or minor household expenses, on costs associated with children, on everyday tasks in the households and major activities in households, the researchers created gender equality index. The latter stood at 74.7 points overall, whereas more points reflect better situation regarding gender equality in the Slovenian households. The index regarding costs associated with children was the highest (89.0), while the gender equality index relating to the everyday tasks in households stood at 38.8 points. See: Robnik S. (2012) Enakost spolov v družinskem življenju in v partnerskih odnosih, Ljubljana, Ministrstvo za delo, družino in socialne zadeve, Služba za enake možnosti in evropsko koordinacijo, pp. 94-95, available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__%20pdf/enake_moznosti/RaziskavaEnakostSpolovPartnerstvo.pdf.


\textsuperscript{54} Parental Protection and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih), 3 April 2014, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAK06688. The first draft of this act produced by the government in 2013 included a provision stipulating that only 100 days might be transferred from one parent to another, but, upon heated public discussion, the government refrained from such a solution.
It needs to be noted, however, that the provision on 30-day paternity leave is conditioned by the economic recovery and shall be applied in the third year following the year in which the economic growth exceeds 2.5% of the GDP. Until then, this provision shall be gradually implemented (e.g. until the year following the year in which the economic growth exceeds 2.5% of the GDP paternity leave includes 15 days of fully paid leave and 75 days for which the state only provides for the payment of social security contributions based on the minimum wage, while in the subsequent year the paternity leave includes 20 days of fully paid leave and 50 days of leave with paid social security contributions).

Currently, paternity leave and the 260-day leave for taking care for the child is not fully paid, but is only 90 per cent of the average monthly gross wage of the entitled person during the 12 months prior to the leave. The same applies to the part of the paternity leave which should be paid in full. In addition, both entitlements cannot exceed two times the average minimum wage in the country. The Fiscal Balance Act, adopted in 2012, listed these measures amongst other austerity measures adopted after the economic crisis hit Slovenia.

In spite of some steps forward, traditional gender roles in respect to child care have not been altered in Slovenia. In 2012, 17,468 fathers took paid 15-day paternity leave (about 85 per cent), and 3,586 fathers took more than 15 days (paid social security contributions based on the minimum wage). Childcare leave has remained the mothers’ domain. In 2012, 1,517 (7.2 per cent) fathers took a part of this leave. On the positive note, 2012 data indicates that the portion of fathers who took some days of childcare leave increased by 5 per cent in the last 10 years.

Between 2006 and 2011, in an effort to improve the situation, the then Office for Equal Opportunities carried out campaigns promoting active fatherhood and balanced share of responsibilities between partners, particularly regarding child care.

The Family Friendly Enterprise Certificate is one of the major initiatives in Slovenia aimed at reconciliation of private life and work. It was started in 2007 and is the follow-up to the project ‘Young mothers/ Family friendly enterprises’. It is a consulting-audit procedure developed to facilitate a more quality human resources management within

58 A 2006 and 2007 initiative included 13 broadcasts on local radios across the country and an educational documentary entitled ‘Daddy, be active!’ which was shown on the national public television. The project also included running events entitled ‘Daddy runs’ organised in several urban centres in Slovenia with the aim of promoting active fatherhood and to encourage fathers to spend more quality time with their children. In the course of this action, fourteen ministries also took part in one-year activity entitled ‘Daddy counter’. The ministries undertook to encourage their employees to use paternity leave to take care of their children and to monitor the share of fathers who did this. In collaboration with Slovenian municipalities, the then Office repeated the action ‘Daddy runs’ in 2010 and 2011. Races, involving fathers and their children, were organised in 10 municipalities in 2010, while, in 2011, races took place in 20 municipalities. See http://www.arhiv.uem.gov.si/si/delovna_podroca/usklajevanje_druzinskega_in_poklicnega_zivljenja/akcije_uem/ocka_aktiviraj_se/index.html; http://www.arhiv.uem.gov.si/si/delovna_podroca/usklajevanje_druzinskega_in_poklicnega_zivljenja/akcije_uem/teki_ockov/index.html; http://www.arhiv.uem.gov.si/si/delovna_podroca/usklajevanje_druzinskega_in_poklicnega_zivljenja/akcije_uem/stevec_ockov/index.html.
enterprises in terms of reconciliation of professional and private lives of employees. Upon implementing the relevant measures, an enterprise or an organisation may obtain the basic and, later on, the full certificate. Currently, there are more than 130 enterprises and organisations which received one type of the available certificates.

2.2.2. Formal childcare services

Slovenia has a comprehensive network of pre-school education institutions, of which about 95 per cent are public. Local communities co-fund the implementation of childcare programmes in these institutions. The recent period saw a favourable increase in the number of kindergartens and enrolled children, although not all municipalities have enough places to ensure that all resident children can enrol in the local kindergartens.

In the school year 2013/2014, 53.8 per cent of all children aged up to 3 years attended kindergartens, while the rate for children between 3 years of age and primary school age was 88.6 per cent: Slovenia consequently meets Barcelona childcare targets for the group of children aged up to 3 years, and almost fully meets the targeted rate for children between 3 years of age and primary school age.

To some extent, these developments can be connected to amendments adopted in 2008 to the Pre-School Institutions Act, providing for the reduction of the fees for children of the same family attending pre-school education. These provisions were then reviewed in 2012 when a set of austerity measures was introduced.

2.2.3. Flexible working arrangements

Pursuant to the new 2014 Parental Protection and Family Benefits Act, the parent who cares for a child up to three years of age has the right to part-time work. If the parent cares for at least two children, she/he has the right to part-time work until the youngest

59 The list of 76 measures aiming at balancing professional and private lives covers eight different areas, including working time, work organisation, human resources development, the structure of payments and remunerations as well as services for families.
60 http://www.certifikatdop.si/o-certifikatu/
61 In the school year 2013/2014, 83,090 children were enrolled in 960 kindergartens, compared to 65,966 children in 845 kindergartens in the school year 2008/2009. Between the school years 2008/09 and 2011/12, the number of children attending kindergartens increased by around 7 per cent per annum. In the school year 2012/13, the growth rate was 2.3 per cent, while the school year 2013/2014 saw an increase of 0.7 per cent.
62 The data for the school year 2013/2014 show that in slightly more than 10 per cent of municipalities a fifth of their pre-school children is enrolled in kindergartens in other municipalities. The situation is less favourable in certain smaller municipalities in the Podravska region. A little less than 66 per cent of all municipalities provide that 90 per cent or more of their children attend kindergartens within their boundaries. The largest municipalities (e.g. Ljubljana, Maribor, Novo mesto) ensure that around 98 per cent of their children attend kindergartens in their municipality.
63 http://www.stat.si/eng/novica_prikazi.aspx?id=5386
64 In cases when two or more children from the same family attended pre-school education, the fee reduced by one grade was payable for the oldest child, while no fee was charged for younger children. Pre-School Institutions Act (Zakon o vrtcih), 14 February 1996, and further modifications, available at: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO447, unofficial consolidated text; Government of the Republic of Slovenia (2014) Convention on the Elimination of All Forms of Discrimination against Women: Consideration of reports submitted by State parties under article 18 of the Convention: Fifth and sixth periodic reports of State parties due in 2013: Slovenia, p.31, available at: http://tbinternet.ohCHR.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fSVN%2f5-6&Lang=en.
65 The 2012 Fiscal Balance Act stipulates that parents pay full fee for the first child, 30 per cent of the full fee for the second child, and are exempt from payment for any other child, hereby reviewing the more favourable fees provided for in the 2008 Act. Fiscal Balance Act (Zakon za uravnoteženje javnih financ), 11 May 2012, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6388, unofficial consolidated text.
child completes the first grade of elementary school. A parent taking care of children with moderate or severe physical or mental disability has the right to part-time work until the child reaches 18 years of age.\textsuperscript{66}

Pursuant to the \textbf{Employment Relationships Act}, a parent who works part-time under the provisions of the act governing parental protection has the same right covered by social insurance scheme as if they work full-time. The Employment Relationships Act also governs work at home and teleworking. It also stipulates that before the beginning of a calendar or business year the employer determines the yearly distribution of working time and notifies the workers about it. When a worker proposes a different distribution of working time for the purposes of reconciliation of professional and family life, the employer must, upon considering the needs of the working process, justify their decision in writing.\textsuperscript{67}

\textbf{A considerable share of active working population in Slovenia is in full-time employment.} Compared to parents across the EU, Slovenian parents, particularly mothers, are considerably more likely to take up full employment. In 2012, the full-time employment rates for Slovenian men and women between 25 and 49 years of age with at least one child up to 6 years of age were 92.9 and 80.2 per cent respectively (compared to 88.5 per cent for men and 61.9 per cent for women in the EU-27). However, when Slovenian parents do have part-time jobs, women are more likely to take up such an arrangement. The 2012 part-time employment rate for women between 25 and 49 years of age with at least one child up to 6 years of age was 13.1 per cent, while it was 2.6 per cent for men.\textsuperscript{68}

\begin{thebibliography}{9}
\addcontentsline{toc}{section}{References}
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\bibitem{67} Employment Relationships Act (Zakon o delovnih razmerjih), 5 March 2013, available at: \url{www.uradnilist.si/1/objava.jsp?urlurid=2013784}.
\end{thebibliography}
2.3. Participation of women in decision-making

**KEY FINDINGS**

- The former SFR of Yugoslavia introduced a 30-per cent quota for women’s participation in political decision-making. In spite of the quota, the situation was characterised by a lack of women’s power in decision-making procedures.

- In the first decade and a half of Slovenian independence, there were no gender quotas in place. In general, representation of women in political decision-making position was poor.

- Under pressure, including by civil society organisations, mid-2000s saw the adoption of legislative changes introducing gender quotas in different types of elections, the only exception being elections to the National Council of the Republic of Slovenia, the upper house of the Parliament.

- Existing evidence suggests improvements in several areas, but the share of women in political-decision making positions still does not reflect their share in general population.

- Based on the 2002 Equal Opportunities for Woman and Men Act, the government adopted the Decree on the criteria for Implementation of the Principle of Balanced Representation of Women and Men in 2004. This implementing regulation stipulates that the share of each gender in bodies appointed by the government shall reach 40 per cent.

- The available data on the representation of women and men in government agencies and public authorities, as of 4 November 2013, showed that there were 43 per cent of women among director-generals, 56 per cent among the heads of government offices and 59 per cent of women in the top position in administrative units.

- The share of women in decision-making position in the business sector has been constantly low.

- Women also tend to be poorly represented in the decision-making positions in employee and employer organisations.

2.3.1. Political decision-making

The former SFR of Yugoslavia introduced a 30-per cent quota for women’s participation in political decision-making. In spite of the quota, the situation was characterised by a lack of women’s power in decision-making procedures.69

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In the first decade and a half of Slovenian independence, there were **no gender quotas** in place. In general, representation of women in political decision-making position was **poor**. For instance, while the share of women MPs was 16.8 per cent in 1992, it dropped to 8.4 per cent in 1996, and it stood at 13.3 per cent in 2000 and 2004.\(^{70}\)

Under pressure, including by civil society organisations, **mid-2000s saw the adoption of legislative changes determining gender quotas in different types of elections**, the only exception being elections to the National Council of the Republic of Slovenia, the upper house of Parliament.

The Election of Slovenian Members to the **European Parliament** Act was the first law that was amended to include gender quotas. It was changed in 2004 and provided that no gender shall be represented by less than **40 per cent of the actual total number of candidates on a list of candidates**, while at least one representative of each gender shall be placed in the top half of a list of candidates.\(^{71}\) In 2009-2014 term, there were four women MEPs, representing 50 per cent of Slovenian MEPs in the European Parliament. In the current term, 3 out of 8 Slovenian MEPs are women.

The **Local Elections** Act, amended in 2005, provides that each list of candidates includes at least **40 %** of candidates of the opposite gender, while spots in the first half of the list shall be allocated alternately by gender. These requirements were not implemented immediately. There was a **transitional period**, with 20 per cent quota in 2006 local elections and 30 per cent quota in 2010 elections, while the 40 per cent quota was fully implemented in the recent 2014 local elections.\(^{72}\)

With regard to elections for **mayoral positions**, it seems that, in spite of some positive trends in recent elections, mandatory quotas have not had a profound impact as of yet and the share of women in mayoral posts remain **low**. The last local elections, held in 2014, saw the largest share of elected women mayors in such elections (7.5 per cent, i.e. 16 out of 212 mayors),\(^{73}\) compared to 10 out of 208 mayors (4.8 per cent) in 2010 local elections,\(^{74}\) 7 out of 210 mayors (3.3. per cent) in 2006,\(^{75}\) and 12 out of 193 mayors (6.2 per cent) in 2002 local elections.\(^{76}\)

To a certain extent, exiting evidence suggests a **more favourable trend** in regard to elected women councillors on **municipality councils**. In 2014 local elections, there were 1,069 elected women councillors (a share of 31.8 per cent),\(^{77}\) compared to 730 women elected in 2010 elections (22 per cent share),\(^{78}\) 728 elected in 2006 (21.5 per cent),\(^{79}\) and 423 elected in 2002 local elections (13.1 per cent).\(^{80}\)

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75 Data obtained from SI-STAT Data Portal of the Statistical Office of the Republic of Slovenia.


The last act to be amended was the National Assembly Elections Act. It was amended in 2006 and stipulates that no gender shall be represented by less than 35 per cent of the actual total number of candidates on a list of candidates.\(^{81}\) The last two parliamentary elections saw a considerable upward trend in the share of women elected to the National Assembly. Currently, after 2014 early elections, there are 34 women MPs among 90 MPs in the parliament (37.7 per cent),\(^{82}\) a percentage above the EU average (28 per cent) according to the last available data.\(^{83}\) In 2011 early elections, 29 women were elected (32.2 per cent of MPs),\(^{84}\) compared to 13.3 per cent in 2008 parliamentary elections (12 elected women MPs).\(^{85}\)

The National Council Act,\(^{86}\) the law governing the work of and elections to the National Council, the upper house of the parliament has not been subject to similar modifications. After the last elections in 2012, there are currently 3 women among 40 members of this body.\(^{87}\)

Existing evidence suggests improvements in certain areas, but the share of women in political-decision making positions still does not reflect their share in general population (50.46 per cent of women in general population as of third quarter of 2014).\(^{88}\)

### 2.3.2. Participation in administrative, judicial and economic decision-making

Since independence and up to now, Slovenia had only one woman Prime Minister. She held office from March 2013 until October 2014. Currently, there are 7 women among 16 ministers in the government (43.7 per cent), which is, historically, a significant share.\(^{89}\) In the period from the third quarter of 2003 until the current office, the share of women ministries varied from 6 to 32 per cent, and often did not exceed 15 per cent.\(^{90}\)

Based on the 2002 Equal Opportunities for Woman and Men Act, the government adopted the Decree on the criteria for Implementation of the Principle of Balanced Representation of Women and Men in 2004. This implementing regulation stipulates that the share of each gender in bodies appointed by the government shall reach 40 per cent. It applies to government bodies such as its expert, consultative and coordinating bodies, government delegations, government representatives in public companies, as well as other organisations governed by the public law.\(^{91}\) The available data on the representation of women and men in government agencies and public authorities, as of 4

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81 National Assembly Elections Act (Zakon o volitvah v državni zbor), 10 September 1992, and further modifications, available at: [http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO185](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO185), unofficial consolidated text.

82 [http://www.dz-rs.si/wps/portal/Home/ODrzavnemZboru/KdoJeKdo/PoslankeInPoslanci/PoAbecedi](http://www.dz-rs.si/wps/portal/Home/ODrzavnemZboru/KdoJeKdo/PoslankeInPoslanci/PoAbecedi).


November 2013, showed that there were 43 per cent of women among director-generals, 56 per cent among the heads of government offices and 59 per cent of women in the top position in administrative units.\(^92\)

Since independence, there have been 10 women among 32 judges of the **Constitutional Court**, the highest judicial instance in the country. The court is composed of 9 members, and five women currently hold the position.\(^93\) In general, there is a **larger share of women than of men among Slovenian judges.** In the first half of 2014, the share of women judges at Local Courts was 83.4 per cent, 77.5 per cent at District Courts, 72.1 per cent at Higher Courts and 40.6 per cent at the Supreme Court. With regard to specialised courts, 83.9 per cent women judges hold position at the Administrative Court, 76.7 per cent at Labour and Social Courts and 64.3 per cent at the Higher Labour and Social Court.\(^94\) There are slightly more women than men among the **state prosecutors**, as of October 2013. However, the share of women among senior staff of district state prosecutor’s offices (36.4 per cent) was lower than the share of men.\(^95\)

The share of women in decision-making position in **business sector** has been constantly **low**. For instance, data covering the situation as of April 2014 suggest that 20 largest publicly quoted companies in Slovenia have only 5 per cent of women presidents of the highest decision-making bodies, while the share of women in other positions at the highest decision-making bodies is 23 per cent.\(^96\)

Such imbalances only recently received more attention. In 2011, the then Office for Equal Opportunities produced an analysis of the gender representation in the business sector. A survey among 253 Slovenian companies in private sector showed that women are under-represented at the decision-making levels and that companies rarely have established specific mechanisms to counter this situation.\(^97\)

The then Office for Equal Opportunities also supported an initiative by the Section of Women Managers of the Managers' Association of Slovenia which produced a document

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\(^93\) http://www.us-rs.si/o-sodiscu/sodniki/sedanja-sestava/; http://www.us-rs.si/o-sodiscu/sodniki/vsi-sodniki/.


\(^97\)The survey results include the following: 33 of the surveyed enterprises had in certain period of time a women in the highest decision making position, 29 per cent had them in the last five years, and 21.8 per cent had them at time of the survey; 13.8 per cent of organisations had balanced shares of women and men (i.e. between 41 and 60 per cent) at the level of lower management; 22 per cent of enterprises had balanced representation of women and men (between 41 and 60 per cent) at the level of middle management; the largest share of companies (13.8 per cent) had between 1 and 10 per cent of women among the top management; only 7 surveyed enterprises have adopted internal acts or measures promoting balanced gender representation in leading positions, and 6 organisations planned to adopt such measures. Robnik, S. (2012) Uravnotežena zastopanost žensk in moških na mestih odločanja v gospodarstvu: Analiza stanja, Ljubljana, Urad za enake možnosti, available at: www.arhiv.uem.gov.si/fileadmin/uem.gov.si/pageuploads/EkonomskoOdlocanje/AnalizaEnakostSpolovGospodarstvu.pdf.
entitled ‘Do Include.All – Guidelines for the promotion of equality’ in 2012. Since November 2013, the Managers' Association of Slovenia has been carrying out a two-year project entitled 'Do Include.All' aimed at promoting balanced gender representation.

Women also tend to be **poorly represented in the decision-making positions in organisations of social partners**. For instance, data collected at the end of the year 2014 indicate that no woman was the head (i.e. president, chairperson) of the highest decision-making body in six relevant employee organisations, 13 per cent of women hold the position of vice-president, 23 per cent was the share of women in the highest decision-making body, while no woman was in charge of the highest executive body in employee organisations. Out of five employers' organisations, one had a female president (20 per cent), and no woman acted as vice-president in these organisations. The share of female members of the highest decision-making bodies in employer organisations was 21 per cent, and one woman was the head of the highest executive body in 5 employer organisations (20 per cent).

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98 The guidelines propose measures to be adopted in enterprises to promote balanced representation of women and man in management positions (e.g. targeted share of women in leading positions; education and training programmes tailored to the needs of women; career mentoring schemes).


2.4. **Fight against gender-based violence**

**KEY FINDINGS**

- Historically, legislation in Slovenia dealt with gender-based violence within the **criminal justice** system.

- In late 1980s, first important developments in regard to **services for victims** took place. In 1989, feminist activists set up a telephone helpline for women and children, victims of violence. In mid-1990s, first shelters were established by the Social Work Centres, public organisations providing social welfare services, and by NGOs.

- In 2003, the Police Act was amended and granted powers to the police to issue **restraining orders** in criminal offence or misdemeanour situations involving violence. In 2013, this act was replaced with the Police Tasks and Powers Act which preserved these provisions.

- The new Criminal Code, adopted in 2008, introduced a specific criminal offence of **family violence**, while the **Family Violence Prevention Act**, adopted in 2008, was the first comprehensive legislative response to the needs of **victims**. One of the goals of this act was to shift the focus from perpetrators of criminal acts in criminal proceedings to victims and to the support they needed.

- In 2011, Slovenia signed the **Council of Europe Convention** on preventing and combating violence against women and domestic violence, and ratified it in December 2014.

- In spite of the adoption of a relatively comprehensive legal and policy framework, particularly in the field of prevention of domestic violence, there are **challenges that still need to be addressed**.

- ** Trafficking in human beings** was firstly outlawed in 2004 when amendments to the then Criminal Code were adopted. Policy related to the fight against trafficking in human beings is determined in the action plans prepared by the Inter-departmental working group for combating trafficking in human beings. Practical support to victims is provided by two NGOs, and these organisations also carry out most of the awareness-raising activities.

Slovenian legislation on gender-based violence shifted in the years from a mere criminal law approach - whereby the focus was put on the investigation of crime and the prosecution of the offender - to a more comprehensive one, focusing also on the **victim**. For instance, the Criminal Code of the then Socialist Republic of Slovenia of 1977 introduced **explicit provisions criminalising marital rape**, but only from the late 1980s on, public attention started to focus on the **victims**. In 1989, feminist activists set up a telephone helpline for women and children victims of violence, while, in mid-1990s, first shelters were established by the Social Work Centres (public organisations providing

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social welfare services) and by NGOs. In general, the work of NGOs was instrumental in adding the victims’ perspective to the public agenda and they also played a significant role in the development of legislation. The Criminal Procedure Act has been amended over the years to afford more attention to victims, particularly children.

In 2003 the Police Act was amended to grant powers to the police to issue restraining orders in criminal offence or misdemeanour situations involving violence. Such orders can be issued if there are reasons to suspect that the offender is about to endanger the life, personal safety or freedom of a person with whom he/she was or has been in a close relationship (e.g. spouse, extra-marital partner, adoptive parent, adopted child, foster parent, foster child or other person living in the same household as the perpetrator). These provisions were preserved in the currently in force 2013 Police Tasks and Powers Act.

In 2004, special rules to define victims of domestic violence as a prioritised group of applicants for non-profit housing have also been adopted on the basis of the Housing Act.

In 2008 the specific criminal offence of family violence was introduced into the new Criminal Code, while also the Family Violence Prevention Act was adopted. It defines family (domestic) violence, determines family members protected by the act, and lays out the role and tasks of various bodies, including public authorities, public service contractors, and non-governmental organisations which participate in procedures related to family violence. It further defines the forms of family violence: physical violence, sexual violence, psychological violence, economic violence, and neglect of a family member. The


104 In the last two decades, NGOs carried out widely publicised awareness raising campaigns, organised trainings for persons working with victims as well as public bodies, produced training manuals, various guidelines on working with victims, and drafted national plans for on combating violence. They operated shelters and safe houses, provided psychosocial assistance to victims, offered information about legislation and legal remedies, organised self-help groups and were also the first to provide specialised programmes for offenders. One of the recent developments, for example, was an initiative by an NGO which, in September 2009, opened the first safe house allowing for the accommodation of women and children with disabilities who were victims of violence.

105 For instance, victims of crime are eligible for general protection measures available to witnesses in investigation and prosecution procedures. These measures were introduced in 2004 with amendments to the Criminal Procedure Act. They include: deletion of all or certain personal data from the criminal file; marking of all or some of the data as an official secret; issuing of an order to parties to keep certain facts or data secret; assignment of a pseudonym to the witness; and taking of testimony using technical devices (protective screen, voice changing devices, transmission of sound from separate premises, etc.). Further amendments in 2008 provided for the right of victims to choose a trusted person to accompany them during investigation and criminal procedures. See Criminal Procedure Act (Zakon o kazenskem postopku), 29 September 1994, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, unofficial consolidated text.


107 The Housing Act defines victims of domestic violence as a prioritised group of applicants and further stipulates that victims of domestic violence which have temporarily been relocated to safe houses/shelters can apply for housing in the place of their current residence and not necessarily in the place of their permanent residence (the latter being a requirement applying to other applicants). See Rules on renting non-profit apartments (Pravilnik o dodeljevanju neprofitnih stanovanj v najem), 3 February 2004, and further modifications, available at : http://www.pisrs.si/Pis.web/pregledPredpisa?sp=2004-01-0570, unofficial consolidated text.

108 Family violence includes bad treatment of another person within the family, beating them, or in any other way treating them painfully or degradingly, threatening with direct attack on their life or limb to throw them out of the joint residence or in any other way limiting their freedom of movement, stalking them, forcing them to work or give up their work, or in any other way putting them into a subordinate position by aggressively limiting their equal rights. See Criminal Code (Kazenški zakonik), 20 May 2008, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO15905, unofficial consolidated text.

109 Physical violence encompasses any use of physical force that causes pain, fear or shame to the family member regardless of the fact whether injuries were inflicted. Sexual violence pertains to any act with sexual content opposed by the family member, or if they are forced into such an act, or if they do not understand the meaning of such an act because of their level of development. Psychological violence is defined as any act with which the perpetrator inflicts fear, shame, feelings of inferiority, vulnerability, and other mental distress on the family member. Neglect of a family member is a form of violence where a person does not provide due care for a family member in need of care because of illness, disability, old age, developmental or any other personal circumstances.
The policy on Gender Equality in Slovenia

act obliges authorities and other organisations to carry out all procedures and actions required for the protection of victims and their benefits while taking into account the levels of risk faced by the victims. It also obliges authorities and organisations working with victims to ensure respect for the integrity of the victim in all procedures and actions required for victim protection. This is an important provision in regard to the prevention of secondary victimisation. It also stipulates measures to prevent repeated victimisation, namely restraining orders and eviction of the violator from family premises. If an assessment has been made in a domestic violence case that the victim is endangered, they are entitled to free legal aid in all procedures related to the issuance of a restraining order or a decision on eviction of a violator, regardless of the provisions of the law regulating access to free legal assistance. One of the general goals of this act was to shift the focus from perpetrators of criminal acts in criminal proceedings to the victims, their support and their needs.

Based on the Family Violence Prevention Act, the National Assembly adopted in 2009 the Resolution on the **National Programme of Family Violence Prevention 2009-2014**, the principal strategic document which sets out objectives, measures and responsible actors tasked with prevention of and reducing domestic violence in Slovenia in the period in question.

Between 2008 and 2011, the first national survey on violence in private sphere and intimate partnerships was carried out in Slovenia. The survey captured representative sample of women between 18 and 80 years of age. The main findings of the survey showed that 56.6 per cent of women have experienced violence since the age of 15. The most often form of violence was psychological violence (49.3 per cent), followed by physical violence (23 per cent), economic violence (14.1 per cent), restriction of movement (13.9 per cent) and sexual violence (6.5 per cent). The survey further found that 90.8 per cent of perpetrators were men. It also showed that every second woman experienced certain type of violence in the year preceding the survey. According to the survey, women who experience violence are less healthy than women in the general population (44.6 per cent of victims perceived their health as poor or very poor, compared to 6.9 per cent in the general population).

In 2011, Slovenia signed the **Council of Europe Convention** on preventing and combating violence against women and domestic violence, and ratified it in December 2014.

In general, existing policies are heavily oriented towards issues of **domestic violence**. Of all the areas of support, the area of family violence is addressed most comprehensively by legislation and policy and also most services are developed and provided in this area.

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110 Family Violence Prevention Act (Zakon o preprečevanju nasilja v družini), 1 February 2008, available at: [http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5084](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5084). On the basis of the mentioned act, the following set of rules determining the role of specific organisations regarding the prevention of family violence and manners of their co-operation were subsequently adopted: Rules on the organisation and work of multidisciplinary teams and regional services and on actions of the social work centres in dealing with domestic violence, Rules on procedures for dealing with domestic violence in the implementation of health activities, Rules on the treatment of domestic violence for educational institutions and Rules on cooperation between the police and other authorities in the detection and prevention of domestic violence.


Services are provided by Social work centres as well as non-governmental organisation. These services are regarded as social welfare services and are funded in a considerable share by the responsible ministry and local communities.\footnote{There is a national women’s helpline administered by an NGO. It operates every day, but is not a 24-hour helpline. In 2013, there were 16 shelters (i.e. safe houses) accommodating women survivors of violence covering all regions, of which 4 were operated by Social work centres and the rest by NGOs. There were also 3 crisis centres providing emergency accommodation to victimised women, of which two are run by Social work centres and one by an NGO. Apart from these facilities, women who have experienced violence are also accepted in parallel Report By the Coalition of NGOs on Economic, Social and Cultural Rights in Slovenia, Ljubljana, pp. 33-34; available at: http://tbinternet.ohchr.org/Treaties/CESCR/SharedDocuments/SVN/INT_CESCR_NGO_SVN_16826_E.pdf; United Nations Committee on Economic, Social and Cultural Rights (2014) Concluding observations on the second periodic report of Slovenia, p.6; available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/243/18/PDF/G1424318.pdf?OpenElement. See also: http://www.drustvo-sos.si/uploads/datoteke/izjava%20za%20javnost%202014!!!!!!.pdf.}

In spite of the adoption of a relatively comprehensive legal and policy framework, particularly in the field of prevention of domestic violence, there are challenges that still need to be addressed. These include, for instance, legal inconsistencies and practical obstacles with regard to enforcement of restraining orders issued to the violators and lenient sentencing of such perpetrators. Women in Slovenia do not have equal access to support services, as in some areas there is a lack of such services, including of free psychosocial assistance. Because of insufficient employment opportunities and a lack of economic independence, women sometimes remain in violent relationships. Relevant institutions refer women to safe houses, rather than evict perpetrators from households, and the heavy workload imposed on the police officers, state prosecutors, judiciary and social workers results in poorer quality of support services aimed at victims.\footnote{There is a national women’s helpline administered by an NGO. It operates every day, but is not a 24-hour helpline. In 2013, there were 16 shelters (i.e. safe houses) accommodating women survivors of violence covering all regions, of which 4 were operated by Social work centres and the rest by NGOs. There were also 3 crisis centres providing emergency accommodation to victimised women, of which two are run by Social work centres and one by an NGO. Apart from these facilities, women who have experienced violence are also accepted in certain number of maternity homes. In total, there were about 445 beds for women victims of domestic violence and their children. There are also ten crisis centres set up across the country that provide emergency accommodation to children who have been victims of violence, of which one is specialised to accommodate children up to 6 years of age. A free-toll telephone line is intended for children who experience violence. The call is redirected to the mentioned crisis centres for children and youth, so it operates 24/7. Eight women’s counselling centres also operated in Slovenia. All of them provided counselling services, information and advice, while some of them also provided emergency safety support, legal advice and court accompaniment. Recently, two NGOs introduced mobile application assisting women who are victims of violence to seek support. With regard to sexual violence, there are five centres that provide certain type of assistance to women who have experienced sexual violence. See: http://www.drustvo-sos.si/potrebujete-pomoc/sos-telefon-za-zrvena-nasilja; Women against Violence Europe (2014) Country Report 2013: Reality Check on European Services for Women and Children Survivors of Violence: A Right for Protection and Support?, Vienna, WAVE-office / Austrian Women’s Shelter Network, pp. 182-185, available at: http://www.wave-network.org/sites/default/files/WAVE%20Country%20Report%202013_0.pdf; http://www.mddsz.gov.si/si/delovna_podroca/druzina/preprecevanje_nasilja_v_druzini/; http://www.drustvo-sos.si/aplikacija-varna.}

2.4.1. Trafficking in human beings

The legislative framework in the field of trafficking in human beings is laid down in the Criminal Code, the Aliens Act and the Act ratifying the Council of Europe Convention on Action against Trafficking in Human Beings.

This type of crime was firstly outlawed in 2004 when amendments to the then Criminal Code were adopted. It was replaced by a new Criminal Code in 2008. In 2011, the National Assembly adopted amendments to this act. In addition to prostitution or other forms of sexual exploitation, forced labour, enslavement, servitude or trafficking in organs, human tissues or blood, already included in the previous law, the new amendments provide for the penalisation of trafficking in human beings for the purpose of criminal activities. They also penalise additional acts relating to trafficking, namely recruitment, exchange or transfer of control over the trafficked persons, the giving and receiving of payments or benefits for...
Pursuant to the new **Aliens Act**, adopted in 2011, the police shall allow victims of trafficking residing in Slovenia in an undocumented manner to stay, based on their request or *ex officio*, for a period of three months in order to decide if they shall take part in criminal procedures as witnesses. This period may further be extended for a period of up to three months for justified reasons.\(^{117}\) If after the reflection period they decide to participate as witnesses in the criminal procedure against traffickers in human beings, they are entitled to temporary residence permit with a duration from six months to one year, with the possibility of extension to ensure the completion of the criminal procedure, provided that a series of other conditions are also met.\(^{118}\)

The **Act ratifying the Council of Europe Convention on Action against Trafficking in Human Beings** is the most important piece of legislation in regard to the role of support services. The act determines that NGOs and humanitarian organisations may cooperate with the relevant authorities in various fields.\(^{119}\) The act also stipulates that the relevant authorities shall select support organisations via a public tender.\(^{120}\) Indeed, the first organisation to offer support services to victims of trafficking in human beings in Slovenia was an NGO established in 2001, which was joined, a few years later, by another NGO. These two organisations are still the key providers of assistance to victims of trafficking (e.g. safe accommodation, counselling, and implementation of integration measures) and also carry out most of the awareness-raising activities.\(^{121}\) One of these organisations also administers a free-toll telephone helpline for 4 hours per workday.\(^{122}\)

Policy related to the fight against trafficking in human beings is set out in the action plans prepared by the Inter-departmental working group for combating trafficking in human beings. This body was set up by the government in 2003, and is composed of representatives of public authorities and civil society organisations working in the field. The action plans usually cover two-year period. These documents list priorities in combating human trafficking (e.g. preventive actions, awareness raising campaigns, training for the

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\(^{116}\) Criminal Code (Kazenski zakonik), 20 May 2008, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5550, unofficial consolidated text. (See Directive 2011/36/EU). Amendments to the Criminal Procedure Act pertaining to trafficking were also adopted in 2005, providing for a continuous presence of an attorney for children victims of certain types of crime, including trafficking. The role of an attorney was set to ensure protection of the rights of the child, in particular in relation to the child’s integrity during court hearings and for claiming compensation for damages. See Criminal Procedure Act (Zakon o kazenskem postopku), 29 September 1994, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362, unofficial consolidated text.

\(^{117}\) During the reflection period, victims have the right to free interpretation and translation, to emergency healthcare and to basic care.

\(^{118}\) Victims of trafficking to whom temporary residence permit was issued and who have no means of subsistence have the right to emergency healthcare and basic care just like persons with the permission to stay. Victims with temporary residence permit also have the right to obtain employment in accordance with the legislation regulating employment and work of foreigners. See Aliens Act (Zakon o tujcih), 15 June 2011, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761, unofficial consolidated text. (See also Directive 2004/81/EC).

\(^{119}\) These include e.g. provision of care services to victims of human trafficking; identification of victims of trafficking; crisis accommodation of victims and accommodation of victims in safe places; assistance and protection of victims in pre-trial and criminal court proceedings; assistance in regulating their status in Slovenia; provision of information to and awareness raising of target populations, and return of victims to their home countries.

\(^{120}\) Act ratifying the Council of Europe Convention on Action against Trafficking in Human Beings (Zakon o ratifikaciji Konvencije Sveta Evrope o ukrepanju proti trgovini z ljudmi), 15 July 2009, available at: http://www.uradni-list.si/1/objava.jsp?urlmpid=200961. Furthermore, support services can also be provided by organisations not selected, but without the financial support of this funding mechanism.


relevant stakeholders, prosecution of criminal offences of human trafficking) and measures for assistance to and protection of victims. The first such a plan was adopted in 2004. The working group also monitors the implementation of the action plans.\(^{123}\)

### 2.5. Sexual and reproductive health and rights

**KEY FINDINGS**

- Slovenia has a **fairly generous framework** governing women’s sexual and reproductive health and rights. Women have **direct access to gynaecology services** at the primary level of the health care system. In practice, access to these services tends to be less satisfactory, and is **particularly poor in some local areas**.

- In 2010 and 2011, the last two years for which data are available, **no cases of maternal deaths** were recorded. It remains to be seen if this represents a permanent positive trend, since Slovenia ranked poorly in the EU in terms of maternal mortality ratios in the past.

- **Abortion rates** in Slovenia are decreasing, and the country performs well as regards women’s access to both abortion procedure and assisted reproduction technologies. There are fears, however, that adopted austerity measures might impede access of women from disadvantaged groups to these provisions. Another worrying issue is the exclusion of single women and women in same-sex partnerships from the provision of ART.

A considerable share of funds for health care services in Slovenia comes from compulsory health and social security insurance schemes (about 70 per cent in 2012).\(^{124}\) The remaining funds mostly come from voluntary health insurance or are out-of-pocket funds. The Health Care and Health Insurance Act, which governs the national health insurance schemes, stipulates that the **compulsory health insurance fully covers provision of services to women related to counselling regarding family planning, contraception, pregnancy and childbirth**.\(^{125}\)

Reproductive health care in Slovenia is organised at the primary, secondary and tertiary level. Women have **direct access to gynaecology teams**, composed generally of a gynaecologist, a qualified midwife or a nurse and a medical technician, at the **primary level**. According to the Resolution on National plan of Health Care 2008-2013 ‘Satisfied Users and Providers of Medical Services’, there should be one gynaecologist per every 5,500 women.\(^{126}\)

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124 http://www.stat.si/eng/novica_prikazi.aspx?id=6382. In total, health care spending amounted to 9.4 per cent of Slovenian GDP.
In spite of fairly generous framework, existing evidence suggests that access to services tends to be relatively unsatisfactory and is particularly poor in certain local areas. Until 2010, the number of gynaecologists was in decrease, and only recently an upward trend in their number was recorded. In spite of this, there was, on average, one gynaecologist per 6,500 women in 2012. In four regions, there were 7,000 to 8,000 women per a gynaecologist. As a result, time afforded to screenings is reduced, and gynaecologists do not accept new patients, which particularly affects access of adolescent girls to the relevant services. This also has a negative impact on the number of preventive and curative examinations. The age structure of Slovenian gynaecologist is also unfavourable, 52 years being the average age of gynaecologists in 2010.127

Observers of the current situation, including civil society organisations, warned about the need for comprehensive policies and strategic documents covering the field of sexual and reproductive health, but no such framework has been adopted as of yet.128 In 2011, there was an (unsuccessful) attempt to adopt the Strategy of Development and Comprehensive Regulation of Gynaecological and Obstetric Services.129 The intention of the Ministry of Health was to reform the current network of maternity hospitals. As the burden on gynaecologist and obstetrician is not evenly distributed, the ministry decided to aggregate the primary and secondary level of gynaecological and obstetric services. The intention was also to dissolve maternity hospitals on locations where lower birth rates are recorded. Civil society organisations criticised the proposal on the grounds that it would desert some areas in Slovenia and further limit the accessibility of gynaecologists. Moreover, they stated that Slovenia faces a maternal mortality rate which is above the European average, but the strategy failed to address this issue.130

The issue of maternal mortality was, as noted, an issue of concern over recent decades. In the period from 2006 to 2010, there were 14.6 maternal deaths per 100,000 live births in Slovenia (95 per cent confidence interval), ranking Slovenia among the EU Member States with the highest maternal mortality ratio.131 In 2010 and 2011, no cases of maternal deaths were recorded in Slovenia,132 but it remains to be seen whether this represents a positive permanent achievement, confirmed in the future.

Slovenia remains one of the top performers among the EU Member States in terms of relatively low rates of obstetric interventions.133 However, worrying trends

characteristic of many developed countries are also present in Slovenia. For instance, the caesarean section rate rose from 7.3 per cent in 1987 to 19.4 per cent in 2011.\textsuperscript{134}

The systematic education for healthy sexuality, introduced when Slovenia was still a part of the former Yugoslavia, was abolished. \textbf{Sex education is currently an optional subject,} and its introduction is left to the discretion of individual schools.\textsuperscript{135}

\section*{2.5.1. Abortion}

The right to free choice in childbearing was enshrined in the 1974 Constitution of the former SFR of Yugoslavia. Based on this constitutional provision, the Health Measures in Exercising Freedom of Choice in Childbearing Act was adopted in 1977, and it remained valid after Slovenia proclaimed independence. This act provides for favourable access to contraception and includes liberal provisions concerning abortion. The abortion procedure is performed on woman’s request during \textbf{first ten weeks of pregnancy}. \textbf{After that period, a request must be submitted with the special commission} which decides on the matter, and abortion is possible if the risk of the procedure to the life and health of a pregnant woman and her future motherhood is lower than the danger threatening her or the child because of continuation of the pregnancy or the childbirth.\textsuperscript{136}

\textbf{Abortion rates in Slovenia saw a steady decrease} in the last decade, dropping from 13.5/per 1,000 women to 7.8/1,000 in 2012. However, it was uneven across the country and there are still regional disparities in terms of abortion rates (e.g. 7.2/1,000 in Goriška region in 2012, compared to 10.2/1,000 in Podravska region).\textsuperscript{137}

The Fiscal Balance Act, adopted in 2012,\textsuperscript{138} introduced a set of \textbf{austerity measures} and modified a number of laws, including the Health Care and Health Insurance Act.\textsuperscript{139} The adoption of new provisions saw the share of \textbf{abortion-related costs covered from compulsory insurance dropping} from 85 to 80 per cent, while the rest of the costs are covered either through voluntary health insurance or out of pocket. This prompted question about the availability of the abortion procedure for women from \textbf{disadvantaged social groups}, particularly women who cannot afford voluntary insurance.\textsuperscript{140}

\begin{thebibliography}{9}
\bibitem{136} Health Measures in Exercising Freedom of Choice in Childbearing Act (Zakon o zdravstvenih ukrepih pri uresničevanju pravice do svobodnega odločanja o rojstvu otrok), 26 April 1977, and further modifications, available at: \url{http://www.pisrs.si/Pis.web/preqledPredpisa?id=ZAKO408}, unofficial consolidated text.
\bibitem{138} Fiscal Balance Act (Zakon za uravnoteženje javnih financ), 11 May 2012, and further modifications, available at: \url{http://www.pisrs.si/Pis.web/preqledPredpisa?id=ZAKO6388}, unofficial consolidated text.
\bibitem{139} Health Care and Health Insurance Act (Zakon o zdravstvenem varstvu in zdravstvenem zavarovanju), 12 February 1992, and further modifications, available at: \url{http://www.pisrs.si/Pis.web/preqledPredpisa?id=ZAKO213}, unofficial consolidated text.
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2.5.2. Assisted reproduction technology (ART)

The 2000 Infertility Treatment and Procedures of Biomedically-assisted Procreation Act governs women's access to ART.\footnote{Infertility Treatment and Procedures of Biomedically-assisted Procreation Act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo), 20 July 2000, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2518.} Existing data suggest that Slovenia is along with Nordic countries among countries with the highest availability of ART in Europe. In 2010, the share of Slovenian newborns conceived through ART was 5.1 per cent.\footnote{http://www.eshre.eu/~/media/emagic%20files/Data%20collection/EIM/Manuscript%20EIM%202010%20published.pdf.}

The right to ART, however, is legally restricted to heterosexual couples (married or living out of wedlock). In 2001, the National Assembly adopted amendments granting equal access to ART for all women regardless of their marital status, but the adopted amendments were rejected in a public referendum initiated by conservative forces. As a result, single women and women in same-sex partnerships are currently not entitled to ART.

The same as with the abortion procedure, the 2012 modification of the Health Care and Health Insurance Act decreased the share of costs covered from compulsory insurance scheme related to the treatment of reduced fertility and assisted reproduction technologies.\footnote{Fiscal Balance Act (Zakon za uravnoteženje javnih financ), 11 May 2012, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6388, unofficial consolidated text; Health Care and Health Insurance Act (Zakon o zdravstvenem varstvu in zdravstvenem zavarovanju), 12 February 1992, and further modifications, available at: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO213, unofficial consolidated text.} It was reduced from 85 to 80 per cent of the costs of these health care services, again raising concerns over the accessibility of ART to women with unfavourable socio-economic background, including those not included in the voluntary health insurance scheme.\footnote{http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/enake_moznosti/PekingPlus200bersnelKvederDunja.pdf.}
3. CONCLUDING REMARKS

According to the EU Gender Equality Index, Slovenia is among the EU Member States with the above-average gender equality. In spite of progress over time, there are many inherited issues and long-term patterns that need to be altered.

Women are still under-represented at the decision-making levels and their voice is not sufficiently heard in politics, business and other sectors. Their employment rates are lower than that for men, while elderly women particularly find themselves out of labour market and at risk of poverty and social exclusion. Traditional gender roles are still prevalent, and it is women that mostly bear the burden of child care and everyday tasks in households.

The current economic crisis and responses by authorities in terms of austerity measures further threaten the position of women in the society, since such measures are not necessarily adopted in consultation with them and are not always gender-neutral.
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