

**SHADOW REPORT OF THE SLOVENE NGOs
TO THE CEDAW COMMITTEE**

to the Fifth and Sixth periodic reports of the Republic of Slovenia

April 2015

Participants:

- Društvo ženski lobi Slovenije (Association Women's Lobby of Slovenia), Dunja Obersnel Kveder, Angela Murko Pleš, Metka Roksandić
- Društvo SOS telefon za ženske in otroke – žrtve nasilja (The Association SOS Help-line for Women and Children - Victims of Violence)
- Društvo Evropska mreža za enakost spolov (CEE Network for Gender Issues), Sonja Lokar
- Društvo za nenasilno komunikacijo (Association For Nonviolent Communication), Nina Obran
- Društvo Ključ – center za boj proti trgovini z ljudmi (Society Ključ – centre for fight against trafficking in human beings)
- Društvo za osveščanje in varstvo – center antidiskriminacije – OVCA (Society for awareness and protection – Antidiscrimination Center), Boštjan Vernik Šetinc
- Mirovni inštitut (Peace Institute), Živa Humer
- Pravno-informacijski center nevladnih organizacij – PIC (Legal-Informational Centre for NGOs – PIC), Katarina Bervar Sternad
- members of the project group Erased within Peace Institute Neža Kogovšek Šalomon, Uršula Lipovec Čebren, Sara Pistotnik, Jelka Zorn, Katarina Vučko
- Group for combating mobbing and violence on the workplace in The Association SOS Help-line for Women and Children - Victims of Violence
- Darja Teran – review of the English text

Editorial board:

- Katja Matko, Društvo SOS telefon za ženske in otroke – žrtve nasilja (The Association SOS Help-line for Women and Children - Victims of Violence),
- Metka Roksandić, Društvo ženski lobi Slovenije (Association Women's Lobby of Slovenia)

This Shadow Report was made without any international or national financial support and it is completely independent. The views and evaluations, expressed in this Shadow Report, belong to the respective NGO-s and experts who have contributed them.

Introduction

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

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

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

Shadow Reports on different articles of the CEDAW are clearly showing:

1. The gap between very dispersed but rather good laws aimed at erasing gender-based discrimination and fostering equal opportunities of women and men and their equal enjoyment of the results of the social and economic progress of the nation, or equal sharing of the burdens of the economic crises, and their practical implementation has not diminished, it has widened. Solving of the public debt has degraded into politics of transferring the burdens of the crisis to the shoulders of employees, socially vulnerable, pensioners and youth. Women are suffering disproportionately greater deprivations as employees, mothers and care givers, due to the gender stereotypes of the employers, shrinking of social transfers and reduced accessibility and availability of the public services of the welfare state.
2. Most of the attempts of improvement of the legal frameworks which proved to be insufficient have failed. New Family code was overruled by the referendum aiming to deny to the same sex partners the right to adopt the children of the partner. NGO's requests for the improvements of the Penal Code with regard violence against women did not succeed. The new proposed act on equality between women and men failed. There were two semi-steps forward too: in December

2014 Slovenia finally ratified CoE Istanbul Convention – but with all possible reservations, which announces a long battle for legal improvements especially concerning prevention, punishment and economic indemnities to the victims of gender based violence. In 2010 Slovenian government also accepted its first NAP for the implementation of UN SC Resolution 1325, but the implementation was severely limited due to the lack of sufficient funding. The biggest backlash was with regard to the national gender equality machinery, going in the opposite direction of all recommendations of the CEDAW Committee. Instead of being strengthened, better financially and personally equipped and made more visible, they were all dismantled, impoverished and marginalised.

3. Institutional support for gender equality drastically worsened, as the Governmental Office for Equal Opportunities with its own budget and staff was abolished in 2012. A part of the staff was integrated in the Ministry of Labour, Family, Social Affairs and Equal Opportunities as a small sector without its own budget. Deputy Ombudsman for gender equality as the Advocate for Equal Opportunities of Women and Men was not abolished, but was further disempowered inside the Ministry of Labour, Family, Social Affairs and Equal Opportunities. Since 2012 the Government Council for the implementation of the principle of equal treatment, set up according to the law, stopped working. The National Assembly's Commission on Petitions, Human Rights and Equal Opportunities is dealing with gender equality, but only for debating and placing initiatives with no other power. Gender composition of this Commission (6 men and 5 women) does not provide an adequate treatment and support to the gender equality issue. Instead of strengthening the authorities and bodies in support of gender equality in Slovenia, a degradation of gender equality is happening, with weakening and its complete marginalization in addition to a complete lack of understanding of the concept and importance of equality between women and men.
4. In the period after the fourth periodic report, the gender quotas have begun to operate more effectively in the electoral legislation after 10 years of transition period, especially for municipal councils. At 2014 local elections the statutory provision was implemented that in its first half, every list of candidates shall have at least 40 % of male and female candidates and classify them according to the zipper principle. The proportion of women councillors after the last local elections thus rose from 22 % to 32 %. Still, there are municipalities without a single female councillor; in addition, the proportion of women mayors in all municipalities is only 7.5 %.

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

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

The adoption of the Fiscal Balance Act in 2012 allowed numerous measures that indirectly negatively affect women more than men. Reduction of the unemployment and health insurance, limited coverage of health care costs, stricter criteria for obtaining social benefits, etc. have larger effect on women than men. Slovenia is also one of the member states of the EU that amended the Constitution with the Golden Rule of fiscal policy. This could potentially limit the counter-cyclical measures against the crisis and could lead to greater gender inequality. These measures influence social position of women, resulting in their (even more) economic dependence, marginalization and social exclusion.

Women in Slovenia are, especially through the media, influenced by stereotypical thinking related to the traditional role of women in the society: women are primarily seen as caretakers of children, their job still represents more or less “a small contribution” to the family budget. Men retain their role as bread winners and therefore hold a stronger role in a relationship and society. Woman with a career, by general opinion, cannot be a good mother and vice versa, a good mother should not have a career¹. State policies, action plans and other measures have failed to bring changes; statistical data still shows high degree of inequality between men and women.

Existing stereotypes are strongly related to the right to permanent employment, the right to equal access to employment, the right to just and favourable working conditions and protection against unemployment. Through these rights women also exercise the right to education, career advancement and economic independence.

The rate of women actively participating in the labour market in Slovenia has declined sharply in recent years, unemployment rate among women is rising, gender pay gap is increasing,

¹ Public opinion polls show that the percentage of young people, including women, who internalized these stereotypes started to increase.

gender segregation in the labour market is upheld (World Economic Forum, 2014), the double burden of women is increasing², the risk of poverty for women is increasing, etc.

The unemployment rate of women is higher than the rate of unemployed men (Statistical office of the Republic of Slovenia, 2013) and for most demanding jobs men are by 19 % better remunerated than women on same positions.

The problems start already at accessing the labour market; women who are trying to find a job are still, despite the criminalization of such conduct, forced to answer questions about family planning. Slovenian employers consider absence due to the birth and illness of the child as an expense, notwithstanding the fact that all is covered from the state resources. In addition, employers are not willing to adjust the working process and work organization to the needs of the mother, not even when an adjustment is reasonable and feasible at no cost. Despite the legal measures the state has introduced, employers in practice still employ young women mainly on fixed-term contracts. Statistics show that the unemployment rate among young women is higher than among men in the same age group (Statistical office of the Republic of Slovenia, 2013); in addition, women are more often trapped in precarious forms of work than men.

Cases where the employer does not want to extend a fixed-term contract just for the reason of pregnancy are also common³. Internal acts of private employers include discriminatory rules that hinder the advancement or financial rewards of women who are absent due to child birth, by reason of motherhood do not perform overtime work, do not perform more than contractually agreed scope or content of work, etc. There has not been enough research in this field.

Mothers are more often in economically less favourable position due to absence from work when they stay at home with sick children (lower salaries), are not able to perform overtime work (which can be paid), and are also much less likely to enrol in further education (double burden) and therefore have less chance of career development.

Although the state provided adequate legislation which prohibits discrimination on the basis of gender (or motherhood) in all areas of social life, prohibits employers asking employment candidates about family planning and explicitly prohibits discrimination at workplace, the state does not provide effective protection against discrimination, because implementation control mechanisms and institutions are insufficient. The duty of political parties to draw up a strategy for integrating women into all aspects of their activities, including running for political functions, is

²According to research conducted by the Ministry of Labour, Family, Social Affairs and Equal Opportunities in 2012 the equality index related to household tasks is only 38.8 (general equality index according to this research is 74.4) (Robnik, 2012).

³ Employment contracts of around 10 % of pregnant women are not prolonged (Robnik, 2012: 60).

neither respected nor controlled and not even sanctioned. Moreover, the Government in the new draft on equal opportunities for women and men proposed complete abolition of these duties.

Recommendations:

- **The state must implement more effective measures to eliminate stereotypes based on gender, especially in the field of employment.**
- **The state should eliminate indirect discrimination due to austerity measures and start to use gender mainstreaming and gender budgeting.**

Question:

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

Bibliography:

1. Fiscal Balance Act, Official Gazette of the Republic of Slovenia, No. 40/12. Available only in Slovene at: <http://www.uradni-list.si/1/content?id=108751>, 4. 12. 2014.
2. Robnik, S., 2012. *Raziskava Enakost spolov v družinskem življenju in v partnerskih odnosih (Research on gender equality in family life and partnership)*, Ministrstvo za delo, družino, socialne zadeve in enake možnosti, Služba za enake možnosti in evropsko koordinacijo. Available only in Slovene at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/druzina/RaziskavaEnakostSpolovPartnerstvo.pdf, 25. 2. 2014.
3. Statistical Office of Republic of Slovenia, (Lah, L.), 2013. *Aktivno prebivalstvo, Slovenija, junij 2013 - končni podatki*, Available only in Slovene at: <http://www.stat.si/StatWeb/glavnanaavigacija/podatki/prikazistaronovico?IdNovice=5668>, 25. 2. 2014).
4. World Economic Forum, 2014. *Gender Gap Index 2014, Slovenia*. Available at: <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=SVN>, 25. 2. 2014.

Article 2: Obligation to Eliminate Discrimination

The Republic of Slovenia does not provide protection against discrimination of women. Extremely far-reaching protection laws are not implemented; protective mechanisms are inefficient and inadequate in many ways. The extent of unreported discrimination is daunting. Breaching non-discrimination rules by companies, private individuals, as well as the state remains unpunished. The vicious circle is thus closed: the

state shares the responsibility for this situation. No efforts by civil society for actual equality can replace these shortcomings.

Legislative prohibition of discrimination in substance is not clear enough that it could be understood by all: it is necessary to know several different laws and often also the legal interpretation. Focused awareness and training, particularly of public authorities, is thus even more crucial; so far, however, it has been inadequate. We miss examples or standards, e.g. in access to goods and services.

The absence of a system of effective means of legal protection is a key shortcoming. The wide range of legal means does not exclude each other, however, many are useful only in selected contexts (e.g. the protection through various inspections, limiting the amount of compensation in an administrative dispute...). This is a diversified, complex, non-transparent and completely inefficient system of protection, particularly from the victim's perspective, they are not capable of understanding it, and (rightly) do not trust it. Even decision-making bodies lack specialization (knowledge), specific skills and sensibility, and at the same time they "rely" on others in their inaction. This makes it impossible to establish the responsibility. The symptom of this situation is a frightening large amount of unreported discrimination: the number and the results of the reported cases of discrimination are minimal. There is no court practise. This practice does not exist even where the discrimination against women is undoubtedly widespread, for example; in employment and occupation and in connection with work (pregnancy- and family-related questions at job interviews, mothers coming back to work from maternity or parental leave are allocated to a less paid work place, issues regarding promotions, female doctors candidacy for medical specialization, equal pay for the same work regardless of gender, unpaid internships), sexual harassment, unemployment (pregnant women, young mothers), at the access and supply of goods, services and accommodation.

The protection against retaliation is illusory at best; it is merely prohibited (*lex imperfecta*). Ombudsman and the Advocate of the principle of equality in their annual reports consistently repeat that the means for the protection against discrimination are not put into practise and exist on paper only. An extensive system of civil, administrative and penal sanctions exists; it is however extremely unlikely that the offender will suffer any serious consequence. The weakness of their advisory opinions is also pointed out by both the Ombudsman and the Advocate of the principle of equality.

In such circumstances an extremely flawed system for victim support against discrimination is inadmissible. There is no effective and independent body for protection against discrimination.

In its regulations, the state does not enable and allow the possibility for the NGOs to help the victims in the processes (with representation and as a side participant) and also does not provide support for these activities. The state raises new barriers in regard to access to the courts by limiting access to free legal aid for the most vulnerable, by introducing fees in labour disputes. The examples of systemic non-compliance of the prohibition of discrimination by the state are multiplying, particularly in the regressive austerity measures. Fiscal Balance Act has introduced, among others, a compulsory retirement of older civil servants, but the criterion of qualifying for retirement, which is currently lower for women, has indirectly discriminated women (judgment of Constitutional Court in Case U-I-146/12). Data on the number of civil servants is unavailable.

Amendments to pension legislation, adopted in 2012, have drastically worsened the conditions of retirement for women and abolished by then applicable positive measures that the legislature had introduced for working women and mothers (different pensionable service for men and women, benefits for maternity, etc.) contrary to the reasoning of the decision of the Constitutional Court in 1999 (judgment of Constitutional Court in Case U-I-298/96). It was decided that the distinction between women and men in retirement is justified when balancing the disadvantages arising from traditionally and historically conditioned different social roles. Therefore, the differences in pension insurance that particularly affect women, could be compensated with the arrangements for women to obtain pensions earlier than men. As the different social roles still exist, by equalizing the required retirement age for men and women in 2012, with a short transitional period until 2018, women who have pension insurance are discriminated as compared to men.

The Parental Protection and Family Benefits Act introduced certain changes that affect the status of women. Reduction in compensation for parental leave from 100 % to 90 % of salary aims only at women, because they are the majority recipient, receiving the compensation in more than 92 %. In addition, the amount of the compensation was limited to 2 times of the average wage (previously 2.5 times). The state is thus sending out a strong message that the unpaid care work is worth less than the paid work, which on a symbolic level presents the devaluation of care and household work in the private sphere. This measure affects women in the fullest extent possible and constitutes indirect discrimination of women by the state.

Recommendations:

- **Immediately improve the system of protection against discrimination with transparent laws and system of transparent, efficient and easily accessible legal means. Ensure the possibility of supporting NGOs in all, including complex care procedures.**

- **To provide an independent body for protection against discrimination (which will be able to provide assistance to the victims with asserting their rights, with independent monitoring and implementation of incentive measures in the form of recommendations, guidelines, awareness and support to all interested parties).**
- **To eliminate all systemic discrimination.**
- **To establish an integrated strategy for the prevention and elimination of discrimination of women (including intersectional), including punitive policy; with sufficient human, organizational and financial resources to support this effort.**

Questions:

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

Bibliography:

1. Amnesty International, *Paralle llives, Roma denied rights to housing and water in Slovenia*, 2011. Available only in Slovene at: http://www.amnesty.si/images/KAMPANJE/SLOVENIJA/vzporedna_zivljenja.pdf, 19. 12. 2014.
2. Zagovornik načela enakosti, *Letno poročilo za leti 2011, 2012* (Advocate of the principle of equality, *Annual reports for the years 2011, 2012*). Available only in Slovene at: <http://www.zagovornik.gov.si/si/informacije/letna-porocila/lp-2011/index.html>, 19. 12. 2014.
3. Fiscal Balance Act, Official Gazette of the Republic of Slovenia, No. 40/12. Available only in Slovene at: <http://www.uradni-list.si/1/content?id=108751>, 20. 12. 2014.
4. Pension and Disability Insurance Act (ZPIZ-2), Official Gazette of the Republic of Slovenia, No. 96/12. Available only in Slovene at: <http://www.uradni-list.si/1/content?id=110802>, 20. 12. 2014.

5. Parental Protection and Family Benefits Act, Official Gazette of the Republic of Slovenia, No. 26/14. Available only in Slovene at: <http://www.uradni-list.si/1/content?id=117071>, 28. 1. 2015.
6. Judgment of Constitutional Court in Case U-I-146/12. Available at: <http://odlocitve.us-rs.si/en/odlocitev/AN03723?q=u-i-146>, 25. 2. 2015.
7. Judgment of Constitutional Court in Case U-I-298/96. Available at: <http://odlocitve.us-rs.si/en/odlocitev/AN01809?q=298%2F96>, 25. 2. 2015.

General recommendation 19: Violence against women

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

Since 2008, when the Family Violence Prevention Act was adopted, the number of cases dealt with domestic violence by the police has increased (in 2009, the number of cases dealt with domestic violence was 2,478 and the number of cases where victims are women was 2,252), then the number of such cases began to fall (2012, 1,702 cases and 1,568 cases where the victim is female, 2013, 1,592 cases and 1,484 cases where the victim is female) (Miklič, 2014). The increase in police reports and trials of this is attributed to greater awareness, both of victims and the general public about violence against women and domestic violence. The decrease of reported cases to the police that followed is attributed to the all-pervading economic and financial crisis.

According to the national survey on violence in the private sphere and in partner relations, 56.1 % of women in Slovenia have experienced some form of violence since the age of 15 and 90.8 % of perpetrators of violence are men (Leskošek et al., 2010).

In practice, the shortcomings of the Family Violence Prevention Act began to show. The disadvantage of the Act is that it does not impose penalties on offenders who fail to comply with the measures imposed in favour of the victim and also does not allow the police to act in such

cases (The cases of violation of the prohibition of acts of violence, and that victims can remain in the apartment where they live).

General evaluation of the cooperation of authorities and organizations in multidisciplinary teams to deal with cases of domestic violence has been assessed as "satisfactory". Examining domestic violence cases only once is not enough for the procedure to be successfully completed. Mutual cooperation means not only the better identification of cases and more efficient help to victims, but also a possibility of speeding up the process, obtaining of additional relevant information, prevention of the negative effects of the procedures introduced and in particular the protection of indirect victims, most often the children. Cooperation of the Centres for Social Work is exposed as inadequate in obtaining feedback from those who have notified the presence of violence (schools or kindergartens, which the child is attending) (see PIC, 2011).

The threat is a part of psychological and an integral part of domestic violence, having the same effects as all other forms of violence. The threat, as a criminal offence under the Article 135 of the Criminal Code-1, is prosecuted only as the private lawsuit of the victim who bears the burden of proof and bears the costs in the event of failure of the action. For this reason, women hardly decide to report such violence to the authorities. Even when reporting threats, the victims are referred to a private lawsuit (Obran, Zabukovec, 2014). The legislature, in its own words, decided for private lawsuits in order to relieve the courts and in the established belief that women lie about violent experiences. In the NGOs experiences, the abuse of prosecution in the cases of domestic violence is practically non-existent. There are many more cases of victims of domestic violence who, under the pressure of the perpetrator and/or surroundings, withdrew their proposal for prosecution, resulting in the criminal proceedings to be stopped. If we understand the dynamics and consequences of violence, then the behaviour of victims who withdraw the proposals can be understood as well. Before the change of legislation, the prosecution began by ex officio prosecution. According to the police, in 2013 445 cases were prosecuted (1,835 in 2012), or 75.7 % less crime threats (Ministry of the Interior, Police, 2013).

The problematic issue for women - victims of violence is the requirement of contacts of violent ex-partner with children. Women are thus pushed in distress, on the one hand, to allow the child to have a contact with his father, and on the other hand, to face a greater potential to be victims of violence again. The Centres for Social Work increase the distress by demanding from the women to prepare the children for contacts with their father, otherwise the Centres for Social Work claim the mother inhibits the contacts or refuses to implement them.

The problem in dealing with the cases of violence against women in the courts shows in the work of court experts. It is noted that in their work court experts do not consider the

characteristics and dynamics of domestic violence and the consequences of it for the victims of violence, the women and their children. Therefore, it is important to supervise their work and create more opportunities for education and training.

Despite international commitments for the protection of victims of crime, the relevant criminal law practice is still marginal in Slovenia and serves only as a means to reach an objective, the conviction of the offender. Victims of violent crimes, especially women and their children are not receiving adequate support and protection, which is needed because of the high risk of intimidation, retaliation and secondary victimization.

In the current legal framework, the victim of a violent crime is not informed of the release or escape of the offender from detention or imprisonment. As the victims should be protected against the possibility to be secondary victims of a criminal offence, intimidation or retaliation, it is necessary to change the law with the aim of a better protection for victims (Obran v Veselič, Matko, 2014: 150).

It is worrying that our institutions are still not systematically collecting data separately by gender, the data is not included in their annual reports and is not made public. The key source of information is the police. The visibility of violence against women is hidden in different definitions of offences, when managing or qualifying the acts of violence (murders of women by men are identified as murders of jealousy or passion, rape is often defined as sexual violence, violence against women is defined as domestic violence).

Recommendations:

- **To organize a comprehensive regulation system of support to the victims of violence.**
- **To supplement the Family Violence Prevention Act in order to anticipate sanctions for violations of measures and thus to ensure the safety of victims (mostly Articles 19 and 21 of the Family Violence Prevention Act).**
- **To enhance cooperation between different parties (governmental and NGOs), that seek to support and protect women - victims of violence.**
- **To explore possibilities regarding the protection of victims of violence when it comes to relations between a father who is the perpetrator of violence and children who are either direct or indirect victims, especially at the time immediately after leaving the violent relationship.**
- **To supervise the work of judicial experts and provide more training to all involved authorities on the topic of violence against women and domestic violence.**

- **To enable immediate change of legislation that will allow, at the request of a victim of violence and without undue delay, notification of victims about the escape or release of persons prosecuted or sentenced for an offence concerning these victims, from detention or imprisonment.**

Questions:

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

Bibliography:

1. Council framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA) Official Journal of the European Communities, Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:082:0001:0004:en:PDF>, 22. 2. 2015.
2. Criminal Procedure Act, Official Gazette of the Republic of Slovenia, No. 63/94, 70/94 - popr., 72/98, 6/99, 66/00, 111/01, 56/03, 43/04, 101/05, 14/07, 68/08, 77/09, 91/11, 47/13. Available only in Slovene at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362>, 22. 2. 2015.
3. Enforcement of Penal Sentences Act, Official Gazette of the Republic of Slovenia, No. 22/00, 59/02, 70/06, 76/08, 40/09, 109/12. Available only in Slovene at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO31>, 22. 2. 2015.
4. Family Violence Prevention Act, Official Gazette of the Republic of Slovenia, No. 16/08, Available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/zpnd_en.pdf, 22. 2. 2015.
5. Leskošek, V., Urek, M., Zaviršek, D., 2010. *Nacionalna raziskava o nasilju v zasebni sferi in v partnerskih odnosih (National research on violence in private sphere and partnership)*. Available only in Slovene at: <http://www.arhiv.uem.gov.si/fileadmin/uem.gov.si/pageuploads/NasiljeRaziskava2010.pdf#page=15&zoom=auto,-82,374>, 2. 6. 2014.

6. Miklič, N., 2014. Pristojnost policije na področju preprečevanja nasilja v družini (*The role of the police in the prevention of domestic violence*). V: Veselič, Š., Horvat, D., Plaz, M. (ed.) *Priročnik za delo z ženskami in otroci z izkušnjo nasilja*. Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.
7. Ministry of Interior, Police, 2013 *Poročilo o delu policije za 2013 (Report on Police work)*. Available only in Slovene at: <http://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPorocilo2013.pdf>, 2. 2. 2015.
8. Obran, N., Zabukovec, K., Društvo za nenasilno komunikacijo, 2014. *Zaprosilo za informacije o izvedenih ukrepih, dopis Ministrstvu za pravosodje (Request for information on measures taken, letter to the Ministry of Justice)*, 16. 7. 2014. Available only in Slovene at: <http://www.drustvo-sos.si/nvo-ministrstvu-za-pravosodje-o-135-clenu-kazenskega-zakonika-groznja/2>, 23. 7. 2014.
9. Pravno informacijski center nevladnih organizacij (PIC), 2011. *REACT: Ukrepaj zoper nasilje v družini! Projekt za podporo sistemu preprečevanja nasilja v družini (Project for support the system for preventing domestic violence)*. Poročilo o izsledkih aktivnosti v okviru projekta. Ljubljana: PIC.
10. Veselič, Š., Matko, K. (2014), *Analiza usklajenosti nacionalnih standardov, zakonodaje in javnih politik s Konvencijo Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima (Analysis of harmonization of national standards, legislation and public policies with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence)*. Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.

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

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

The legal regulation of sexual harassment and gender based harassment is inappropriate, since both phenomena lost visibility, due to their placement within the scope of protection of dignity, in the basic labour law (Act Amending the Employment Relationships Act, 2007 and in the Employment Relations Act, 2013). In the Occupational Health and Safety Act (2011) no

mention of sexual harassment was made among the areas for which the employer must take measures of preventing, eliminating and controlling cases.

Consequently, employers pay greater attention to the phenomenon of workplace mobbing despite the fact that practice and research suggest a much higher prevalence of sexual harassment and gender based harassment.

From the annual reports of the Labour Inspectorate it is evident that the above conclusions are correct. The data about protection of dignity at the workplace does not reveal the number of violations of various offences that fall under the protection of the dignity at the workplace (sexual harassment, gender based harassment, mobbing and other forms of harassment).

The proposal of Act on Equality between Women and Men, adopted in September 2013 by the Government of the Republic of Slovenia, clearly defined gender discrimination as a form of sexual harassment and gender based harassment, and set penalties for violations of the prohibition of discrimination, but due to the lack of political will Act procedures were stopped in the National Assembly.

Employers in general did not anticipate sanctions for sexual harassment. In this area, there is also a lack of research. Therefore, the visibility of this kind of violence by women themselves, as well as employers is decreasing. The Government of the Republic of Slovenia regulated this issue for its employees by a Regulation. Many employers transferred this Regulation uncritically to the internal regulations of companies. Employers often force victims of such violence to mediation and other inappropriate types of dispute, trying to spread responsibility for the violence to all those involved. The employer who provides these measures to the victim takes the neutral position, which causes secondary victimization. Furthermore, victims often do not want to expose themselves with measures against violence, an internal complaint or an intervention by external institutions (trade unions, the Labour Inspectorate, etc.), because they fear the response of the employer, thus the legislative provision on the prohibition of retaliation for victims and people who help them, does not work.

Recommendations:

- **To adopt a modernized basic law, governing the area of gender equality, which should clearly define that sexual harassment and gender based harassment are a form of discrimination based on gender, and that these two forms of workplace violence should be separated from violence at the workplace.**
- **To train labour inspectors to identify the differences between the phenomena of sexual harassment and gender based harassment, and other types of harassment and violence**

at the workplace and to make sexual harassment and gender based harassment in the annual reports on the work of the Inspectorate more visible.

- **To focus the control of the employer and employees, if and how the basic act or acts which regulate the field of the protection of dignity in the workplace define sexual harassment and gender. To define what specific actions are taken in this area, how they are implemented and how their performance is monitored.**
- **To raise awareness and encourage social partners to pay attention to sexual harassment and gender based harassment in the collective agreements at the level of activity.**
- **To implement a national survey on the prevalence, manifestations, consequences and on employers' actions in the field of sexual and gender based harassment at the workplace, and to identify effective measures to raise awareness, and improve preventive and curative activities of institutions and employers.**

Questions:

- **What will the state do to increase visibility, recognition and awareness of the harm done by sexual harassment and gender based harassment at the workplace?**
- **What is the state doing/will do to support victims of sexual harassment and gender based harassment at the workplace so that they will feel sufficiently supported and protected in the event of reporting sexual harassment?**
- **What will the state do for the efficient development of a network of advisory, legal and other forms of assistance to victims of sexual harassment and gender based harassment at the workplace in terms of institutional support, calls for projects and funding?**

Bibliography:

1. Act Amending the Employment Relationships Act, Official Gazette of the Republic of Slovenia, No. 103/07. Available only in Slovene at: <http://www.uradni-list.si/1/content?id=83126>, 11. 2. 2015.
2. Health and safety at work Act (Occupational Health and Safety Act), Official Gazette of the Republic of Slovenia, No. 43/11. Available at: <http://www.mddsz.gov.si/en/legislation/>, 25. 2. 2015.
3. Employment Relationship Act, Official Gazette of the Republic of Slovenia, No. 21/13. Available at: <http://www.mddsz.gov.si/en/legislation/>, 25. 2. 2015.
4. Jogan, M., 2014. *Sociologija in seksizem (Sociology and sexism)*, Ljubljana: Založba FDV.
5. Decree on measures for protecting the worker's dignity at work in State administration, Official Gazette of the Republic of Slovenia, No. 36/09. Available only in Slovene at: <http://www.uradni-list.si/1/objava.jsp?urlurid=20091705>, 25. 2. 2015.
6. Annual reports of Labour Inspectorate of the Republic of Slovenia from years 2008, 2009, 2010, 2011, 2012 in 2013. Available only in Slovene at:

http://www.id.gov.si/si/o_inspektoratu/javne_objave/letna_porocila/, 30. 6. 2014 (for more information see Labour Inspectorate of the Republic of Slovenia OSH Strategy in the period 2009 - 2012. Available at: http://www.id.gov.si/fileadmin/id.gov.si/pageuploads/Intranet/SLIC_nadzor_2010/LIRS_OHS_Strategija_2009-2010.pdf, 25. 2. 2015.)

Article 6: Trafficking and Prostitution

In the field of preventing and combating trafficking in Slovenia there are some improvements, but there are areas of work with people with the experience of trafficking, which are still not sufficiently regulated. These areas are: a lack of systematically organized reintegration, difficulties in providing medical care to victims of trafficking and inclusion in the school system. The lack of systemic regulation has also been detected in the education of professionals, especially social workers and employees in the educational sector.

Women are most often exploited for the purpose of forced prostitution; a large proportion of women are also among the victims of human trafficking for labour exploitation. The term 'human trafficking' is used, as it is important to point out that the victim of trafficking can be any person who is in any way vulnerable, either due to lack of education, awareness/naivety, lack of survival means or physical, sexual and psychological abuse that has been experienced - women represent the majority thereof.

The situation in the combat against human trafficking in Slovenia is, according to the number of convictions for this offence in recent years, which has been increasing, improving to some extent.

Effective protection of potential and actual victims of trafficking still presents a problem. Insufficient attention is dedicated to effective reintegration of people with the experience of trafficking, which is the only really effective way to prevent re-victimization of these persons.

Only the most basic medical care is provided to the persons with foreign citizenship, placed in a safe place, and it is given by free clinics for people without health insurance. Health insurance for victims of human trafficking and immigrants is not possible. In case additional care is required (such as dental treatment and not simply pulling) the Ministry of Health specifically decides whether a person will receive additional health care (which is basic in reality) or not. Non-systemic regulation in the field of health care and care of people with the status of victims of trafficking are causes of concern.

For effective reintegration formal and informal acquisition of new skills and knowledge is necessary, which in Slovenia depends on voluntariness and donations, no systemic solutions are provided.

The area dealing with providing safe accommodation of unaccompanied children is also disordered. Crisis accommodation is also aimed at the children care, but funds are not provided for any additional services, children - victims of trafficking would require to have. It is also unknown what will happen to the children after the 30 - day period of stay in crisis accommodation is finished.

In the country there is a care programme, which victims of human trafficking can use. In this particular case, the determination of who is the victim of human trafficking is at the discretion of the police and is not legally defined. NGOs providing such accommodations are not in position to influence the decision of the police. After three months, support for victims should not be conditioned by their cooperation with law enforcement authorities. Also, citizens of third world countries (outside the EU) who are victims of trafficking are not guaranteed compensation.

Lack of attention and resources affects systematic education and training of employees in the educational sector. The training should also be necessary for those employed in the judiciary and health care sectors.

Recommendations:

- **To provide basic and supplementary health insurance for victims of human trafficking.**
- **To have a systemic regulation of free inclusion in the education process (primary school, secondary school, national vocational qualification).**
- **To ensure standards of care for children who are victims of human trafficking.**
- **To identify and accommodate victims of trafficking also by NGOs and provide compensation to all victims of human trafficking.**

Questions:

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

Article 7: Political and Public Life

An equal capability of women and men to make decisions at all levels and in all spheres of the public life is a prerequisite for a balanced and sustainable development of every society. Co-decision can be achieved only with the active participation of women in all decision-making processes and the integration of a gender perspective into all policies and decisions at all levels. Therefore, the state must ensure certain conditions. It is unacceptable that women in politics and public life increasingly become targets of ridicule and harassment, because of their gender.

In the last four years, the proportion of women in representative bodies; National Assembly and municipal councils, as well as in government, has increased. Twenty years ago, the proportion of women in the National Assembly of the Republic of Slovenia amounted to only 13 %, after the elections in 2014 this percentage increased to 38 %. Women in municipal councils in 1995 accounted for only 10 % of all councillors; today this percentage is almost 32 %. Number of female mayors has increased to 16, but their share of 7.5 % is insignificant in relation to the total number of 212 municipalities, furthermore none of the big city municipalities has a female mayor. The proportion of women in the parliamentary group of members of European parliament from Slovenia ranged from 28 to 50 %, today it is 37.5 %.

This result is partly due to the adoption of positive legal measures on the one hand and changes in the political arena on the other hand. This is mainly because of the formation of new political parties that won the early elections to the National Assembly twice in a row (2011 and 2014) and significantly contributed to increasing the share of women. A common feature is that new political parties were formed only a month or two before the elections; thus they were not able to predict the response of the voters in specific electoral districts and therefore gave the opportunity to women, new faces in Slovenian politics.

The adopted amendments to the laws are insufficient. Progress at the local level can only be provided by amendment of the Local Election Act, which has to determine a municipality as a single constituency, so that political power is not fragmented (there are many lists of candidates of political parties and groups of voters, but on the one hand there is only a small number of political parties and groups of voters that are elected to more terms in the office and on the other hand there is a large number of political parties and groups of voters that are elected to only one term in the office).

A significant barrier to achieving a balanced representation of women and men in the National Assembly is represented by the National Assembly Election Act (2006). This Act

introduces elements of the majority system in system of proportional elections to the allocation of constituencies in the electoral districts. Election of individuals is not dependent on his or her efforts, or on the will of voters, but on the electoral district in which an individual candidate is placed. Electoral districts defined in this way present a systemic obstacle to the functioning of the measures for ensuring gender equality, because it is not possible to lay down a law on how to classify 11 candidates from the list of candidates who appear in one constituency in the electoral districts in a way, that would allow both genders to have equal opportunities

The Election of Slovenian Members to the European Parliament Act (2004) and the definition of the necessary gender quota have not changed. The Act specifies that there should be at least one candidate from the ranks of the less represented gender in the first half of the list of candidates. Upon acceptance of the Act, Slovenia had 7 seats, now it has 8, but the provision of gender quotas remained the same. Thus, this provision in practice proved to be bad, because now the first female candidate can be placed only on the 4th place and no longer on the 3rd place as before. The possibility for the election of women has therefore deteriorated despite the compliance with 40 % of gender quotas and the preferential vote. Pressure of organized civil society on the political parties and women within political parties is credited to that the proportion of women MPs in the European Parliament has not deteriorated dramatically.

All previous attempts to influence the work of political parties and women's civil society and experts in order to change the electoral system, which would allow for the efficient use of gender quotas (removal of constituencies for elections to the National Assembly, the application of zipper principle for elections to the European Parliament and the National Assembly, compulsory preferential vote) and would gradually lead to a more balanced representation of women and even parity, were not successful.

Regardless of the numerical representation of women in individual decision-making bodies and institutions, the entry of women into politics and to important positions is very difficult and experiences of individual prominent Slovenian female politicians are negative. Political parties, the media and voters ask and expect from women much higher standards for candidacy and election than from men candidates, in addition, the duality of criteria, one for women and one for men is exercised. Until recently, visible and prominent female politicians received a variety of disqualifications by the opposition and the media on the basis of their gender (single woman, woman without children, appearance, length of skirt, way of dressing), double standards (knowledge of English, the nomination procedure for the Commissioner in the European Commission), placing offensive labels (woman shaman). Such an attitude towards female

politicians gives a clear signal to all women, which is, that entering and operating in politics is significantly more difficult for them than for men.

Recommendations:

- **To change the law on elections to the National Assembly; the elimination of electoral districts and introduction of the zipper principle in the first half of the list.**
- **To equalize the gender quota to 40 % in all three electoral laws and enforce the changing of gender on the first place on candidate lists.**
- **The law should prescribe a balanced representation of women in the composition of the government, committees, delegations, working groups, etc. at governmental, parliamentary and local levels.**
- **The law should prescribe proportional representation in decision-making bodies of political parties participating in elections and representative trade unions.**
- **To enact 40 % gender quota for executive and administrative committees of public and private companies and institutions with more than 30 employees.**
- **To establish zero tolerance policy towards hate speech and harassment of women politicians and other women active in the public sphere.**
- **To define the mandatory share of financial funding received by political parties from the budgets for training and empowerment of women in parties.**

Questions:

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

Bibliography:

1. Murko Pleš, A., Nahtigal, K., Pleš, S., T., 2013. *Ženske v politiki v Sloveniji (Women in politics in Slovenia)*. Available only in Slovene at: http://www.idk.si/projekti.html#/vec_zensk, 15. 12. 2014.
2. Murko Pleš, A., Nahtigal, K., Pleš, S., T., 2011. *Vpliv volilnih okrajev na izvoljivost žensk (The influence of the electoral district on the election results for women candidates)*. Available only in Slovene at: <http://www.zenskilobi.si/gradiva/analize/60-analiza-vseh-dr%C5%BEavnozborskih-volitev-v-sloveniji.html>, 15. 12. 2014.
3. Local Elections Act, Official Gazette of the Republic of Slovenia, No. 94/07. Available only in Slovene at: <http://www.uradni-list.si/1/content?id=82671>, 15. 12. 2014 (see State Election

- Commission page on Local Elections: <http://www.dvk-rs.si/index.php/en/elections/local-elections>, 25. 2. 2015).
4. Election of Slovenian Members to the European Parliament Act, Official Gazette of the Republic of Slovenia, No. 40/04. Available only in Slovene at: <http://www.uradni-list.si/1/objava.jsp?urlid=200440&stevilka=1660>, 15. 12. 2014 (see State Election Commission page on Elections in European Parliament: <http://www.dvk-rs.si/index.php/en/elections/european-parliament>, 25. 2. 2015).
 5. National Assembly Elections Act, Official Gazette of the Republic of Slovenia, No. 109/06. Available only in Slovene at: <http://www.uradni-list.si/1/content?id=76022>, 15. 12. 2014 (see the page of National Assembly: <https://www.dz-rs.si/wps/portal/en/Home/PoliticiSistem/VolitveInVolilniSistem>, 25. 2. 2015).

Article 9: Nationality

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

February 26, 1992, the authorities erased 25,671 people from the registry of permanent residents of the Republic of Slovenia. In 1992, among the erased persons were 42 % of women and 58 % men. 79 % of the erased were adults, 21 % of children (Peace Institute, Erased, Statistics, 2014). Due to the traditionalist gender order that puts women in the key role of family carers and children, women and family members were heavily involved in attempts to prevent the consequences of erasure, even in cases when they themselves have been not erased (Kogovšek et al., 2010, Lipovec Čebren, 2007, Lipovec Čebren, Zorn, 2011). As members of two vulnerable groups erased women felt multiple discrimination: many stressful situations, living in shortage, exclusion and lack of social and health protection and protection against sexual violence (i.e. physical, sexual and economic violence that they experienced as members of a particular sex).

Individual recorded examples show:

- women could not 'afford' to report a rape to a police, since by doing so they would risk, as undocumented persons, expulsion from the country (Lipovec Čebtron, Zorn, 2011),
- stigmatization of women as 'bad mothers' in cases of separation from children (as a result of the erasure) (Lipovec Čebtron, 2007),
- unequal treatment in Centres for social work and before courts in divorce proceedings (unjustified deprivation of parental rights, non-possibility of appeal) (Muršič, 2008),
- no access to health care institutions, which constitutes discrimination in protection of reproductive health and basic health services (Lipovec Čebtron 2007, 2011). Individual testimonies show even the discouraging of birth medical care (Roma in Ljubljana, Different perspectives, 2008),
- domestic violence (physical, sexual, and economic), resulting from unequal status in marriage and dependence on a partner who has not been erased (unpublished field material).

The erasure from the register of permanent residents of the Republic of Slovenia violated the Constitution of the Republic of Slovenia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols (Kogovšek Šalamon, 2012).

In spite of the adopted laws about half of erased persons still suffer an irregular status. Despite the adoption of the amendment to The Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (2010, valid until 24. 7. 2013) and the adoption of the Act on Restitution of Damage for Persons who were erased from the Register of Permanent Population (2013), the situation is still critical. Legislative measures are not sufficient to redress injustice (Peace Institute, The erased, For further action, 2014).

The authority keeps imposing the responsibility of regulating the status of individuals on them. Remain unresolved: the right to family reunification, the possibility of housing, health insurance, high indebtedness, which hinders the full integration into society, public apology and compensation.

Current arrangements prescribe fulfilment of conditions for the issuance of a permanent residence permit. Since 1992 many of the erased have emigrated or have been expelled from Slovenia, thus many fail to meet all the conditions laid down. When arranging a status it is important only that the person was unlawfully deprived of status and has been erased from the register of permanent residents since 1992.

The erased women who have created their own families obtain a permanent residence permit under the law, which was adopted for the erased, but this does not apply to their family members. For an erased person to return to Slovenia one law is valid, while their family members fall under the Aliens Act, just like other foreigners. This is inappropriate for the erased, because these conditions do not take into account their specific situation.

In the period until the erasure in 1992, the erased had acquired the right to buy an apartment according to the valid Housing Act or to stand as candidate for non-profit housing. The right to buy the apartment has been irretrievably lost; candidacy for a non-profit housing has also been lost since then, because it is tied to the citizenship.

By adoption of the law on compensation for damages for the erased, the opportunity to claim damages is given to only about half of the 25,671 erased, because the claim is linked to the acquired permanent residence permit or Slovenian citizenship of the claimant.

The erased have been years without health insurance and no access to basic health care, even in emergency cases. The erased with a regulated status, although having a compulsory health insurance, have to pay a supplementary health insurance. Due to their very limited or non-existent financial resources even today these people are not health insured.

Recommendations:

- **To amend the legislation for the regulation of the legal status.**
- **To enable the erased family the reunification under more favourable conditions.**
- **To enable accommodation to the erased that are left homeless due to erasure or in case they want to return to Slovenia.**
- **To utter a formal apology at the national level.**
- **To recognise the right to compensation in accordance with Article 26 of the Constitution.**
- **To include representatives of the victims in the preparation of action.**
- **To ensure all erased, who have no means of subsistence, the compulsory and supplementary health insurance from the budget of the Ministry of Health and the elimination of the debt from these insurances in recent years.**

Questions:

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

- **Why does the state not enable an acquisition of non-profit housing for all persons with permanent residence in Slovenia?**
- **Why does the state not recognize the right to compensation for all erased whether the have regulated status or not?**
- **Why does the state not provide a compulsory and supplementary health insurance to all the erased?**

Bibliography:

1. Kogovšek, Šalamon, N., 2012. *Izbris in (ne)ustavna demokracija (Erasure and (un)constitutional democracy)* (Zbirka Scientia iustitia, 21). Ljubljana: GV založba.
2. Kogovšek, N. et al., 2010, *Brazgotine izbrisa. Prispevek h kritičnemu razumevanju izbrisa iz registra stalnega prebivalstva Republike Slovenije (Scars of the Erasure. Contribution to the critical understanding of the Erasure from the Register of permanent residents of the Republic of Slovenia)*. Ljubljana: Mirovni inštitut.
3. Lipovec Čebren, U., 2007. *Metastaze izbrisa (Metastases of the Erasure)*. V: Lipovec Čebren, U., Zorn, J. (ed.) *Časopis za kritiko znanosti, tematska številka Zgodba nekega izbrisa*. Ljubljana: Študentska založba.
4. Lipovec Čebren, U., Zorn J. (ed.), 2011. *Zgodbe izbrisanih prebivalcev (Stories of the erased)*. Ljubljana: Založba Sanje.
5. Mirovni inštitut, 2014. *Izbrisani, informacije in dokumenti. Statistike (Erased, Information and Documents. Statistics)*. Available only in Slovene at: <http://www.mirovni-institut.si/izbrisani/statistike/?lang=sl>, 19. 12. 2014.
6. Mirovni inštitut, 2014. *Izbrisani, informacije in dokumenti. Predlogi nadaljnjih ukrepov (Erased, Information and Documents. Suggestions of further Measures)*. Available only in Slovene at: <http://www.mirovni-institut.si/izbrisani/predlogi-nadaljnjih-ukrepov/>, 19. 12. 2014.
7. Muršič, M., 2008. *The Erasure is Always and Everywhere*. V: Lipovec Čebren, U., Zorn, J. (ed.) *Časopis za kritiko znanosti, tematska številka Once Upon an Erasure. From Citizens to Illegal Residents in the Republic of Slovenia*. Ljubljana: Študentska založba.
8. Mirovni Inštitut, 2008. *Romi v Ljubljani, različnost perspektiv (Roma in Ljubljana, the diversity of perspectives)*, 2008. Raziskovalni projekt Mirovnega inštituta. Dostopno na: <http://www.mirovni-institut.si/Projekt/Detail/si/projekt/Romi-v-Ljubljani-razlicnost-perspektiv/>, 19. 12. 2014.

Article 11: Employment and Labour Market

The lower employment rate for women, steady growth of unemployment among women and at a higher level than male unemployment, long-term wage gap, the difference in pensions and consequently poverty of women in old age, constantly high load of unpaid work

in addition to paid work, show that most women do not enjoy equal opportunities in the labour market, employment and retirement and that savings measures taken have increased gender inequality, as they affect women more than men.

The labour market in Slovenia, in comparison to other countries, is characterized by a high proportion of female employees and highly educated women, the full-time employment and gender segregation, both horizontal and vertical. From 2009 onwards, the labour market and employment in Slovenia was marked by economic and financial crisis. During this time, legislation and intervention measures have been adopted and their consequences are systematically worsening the situation of women in the labour market, employment and retirement.

The steep fall in male employment in the first years of the crisis was followed by a decline in employment of women to the level of 2005. The adoption of savings measures in the public sector, where the maximum number, over 80 % of women, is employed in the health, education and social sectors, drastically reduced the possibility of women's employment. The lowering of wages in the public sector has disproportionately larger effects on women, because they are the majority. Among the new jobs there is a growing trend of precarious employment, which mainly affects young people and women, and which is reflected in the growing and higher share of fixed-term employment and part-time work. The proportion of adult women in business according to the GEM study (GEM, 2012) is only 2.8 % and is the lowest in the European Union. Moreover, discrimination occurs to women in employment, promotion and career education due to their potential motherhood and family. Intervention austerity measures have reduced the compensation for maternity and parental leave that is in majority, in more than 92 % of cases, used by women.

The unemployment rate for women is still at a higher level than male unemployment rate, with the exception of two crisis years of 2009 and 2010, but from 2011 it is increasing steadily and is nearly 2 percentage points higher than men. In 2014, the male unemployment rate continues to decline, while the female unemployment rate remains unchanged. From 2005 to 2012 the proportion of unemployed highly educated women compared with men has increased dramatically. Intervention measures in the labour market, especially for young people up to 30 years, actually allow increased employment of men, not women.

The wage gap between women and men is according to different data between 4 % and 6 % at the national level, with the exception of two years of the crisis, when it was smaller. But wage gaps in private sectors, occupations and organizations are significantly higher, amounting to up to 20 % and more. There are also wage gaps at the same workplace and in the same organization. Actual earnings of employed men are on average higher than the earnings of employed women (data for 2010). Almost 55 % of men ranked in the top five deciles based on

their net salary, while almost 55 % of women ranked in the bottom five deciles. Even the pension base of employed women is lower than those of men by 16 % (18 year average) or by 12.5 % (34 year average).

In Slovenia, no special measures were taken to reduce the wage gap between women and men, as well as no measures for the implementation of legal provisions to bind employers to equal pay for equal work or equal pay for work for equal value regardless of gender were adopted.

Recommendations:

- **The active employment policy should include special measures for young women.**
- **To adopt a long-term systemic measures in support of women's entrepreneurship.**
- **To take actions to eliminate the wage differences between men and women and to monitor their implementation.**
- **Motherhood, parenting and caring for a child to become a properly socially valued work, which requires the adoption of policies for equal sharing of parental care and obligations between women and men.**

Questions:

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

Bibliography:

1. European Women's Lobby, 2013. Women's Watch, Women's economic independence and care responsibilities. Available at: <http://www.womenlobby.org/publications/reports/article/new-article?lang=en>, 12. 12. 2014
2. EUROSTAT Statistics. Available at: http://ec.europa.eu/eurostat/statistics-explained/images/4/44/Annual_employment_growth_by_gender%2C_2003-13_%28%25_change_in_the_number_of_employed_persons%29_YB15.png, 12. 12. 2014.
3. Global Entrepreneurship Monitor Slovenia (GEM). Available at: <http://www.gemslovenia.org/news/>, 11. 12. 2014.

4. Humer, Ž., Roksandić, M., 2013. *Protikrizni ukrepi in enakost spolov (Counter-crisis measures and gender equality)*. Ljubljana: Women's lobby of Slovenia. Available only in Slovene at: http://www.zenskilobi.si/images/DOKUMENTI/ANALIZE/PROTIKRIZNI_UKREPI_ENAKOSTSPOLOV.pdfhttp://www.zenskilobi.si/images/DOKUMENTI/ANALIZE/Austerity_measures_gender_equality_Slovenia.pdf, 11. 12. 2014.
5. OECD, Short Term Labour Market Statistics, Unemployment. Available at: <http://stats.oecd.org/index.aspx?queryid=36499>, 12. 12. 2014.
6. Penner, M., A., Kanjuo Mrčela, A., Bandelj, N., 2012. *Neenakost po spolu v Sloveniji od 1993 do 2007: razlike v plačah v perspektivi ekonomske sociologije (Gender inequality in Slovenia from 1993 to 2007)*. *Teorija in praksa*, 49(6): 854-877.
7. Poje, A., Roksandić, M., 2013. *Equal pay for equal work and the gender pay gap*. Ljubljana: Association of Free Trade Unions. Available at: http://www.zenskilobi.si/images/DOKUMENTI/ANALIZE/Summary_study_equalpay_equalwork.pdf, 11. 12. 2014.
8. Svetin, I., Lah, L., 2011. *Zakaj se plače zaposlenih v Sloveniji razlikujejo? Statistični dnevi, Vloga statistike pri uveljavljanju ekonomskih neravnovesij (Why the wages in Slovenia differ? Statistical days. The Role of Statistics on enrolment of the economic imbalance)*. Available only in Slovene at: http://www.stat.si/StatisticniDnevi/Docs/Radenci2011/Svetin_Lah-Zakaj%20se%20plače%20zaposlenih%20v%20Sloveniji%20razlikujejo-prispevek.pdf, 12. 12. 2014.
9. Pension and Disability Insurance Act (ZPIZ-2), Official Gazette of the Republic of Slovenia, No. 96/12. Available only in Slovene at: <http://www.uradni-list.si/1/content?id=110802>, 11. 12. 2014.

Article 12: Health and Family Planning

In recent years, the level of sexual and reproductive health and rights in Slovenia lowers, due to changes in the health care legislation and implementing regulations, the absence or unavailability of health strategies (integrated health strategy, strategy to protect sexual and reproductive health, quality and safety strategy). National screening programme for early detection of breast cancer has been operating inappropriately, which is reflected in the long-term increase of the incidence of breast cancer. As to maternal mortality, it is not possible to assess whether the increase in maternal deaths has stopped. The access to the gynaecologists at the primary level is decreasing. Risk is particularly high for young people who do not have adequate information, because there is no compulsory education on healthy sexuality in schools and a lack of appropriate treatment in special counselling for youth. Further development of prevention programmes is stalled, there are no planned improvements to the programme contents and human resource capacity at the primary level

and monitoring the implementation of reproductive health care. Women from vulnerable groups experience more violations of sexual and reproductive rights (teenage girls, poor women, refugees, Roma women, female victims of violence), as well as men and GLBT, who have limited access to sexual and reproductive health.

By reducing the proportion of coverage from the mandatory health insurance for medical services relating to the reduced fertility and artificial insemination, sterilization and artificial termination of pregnancy at 80 % (previously 85 %), women themselves have to pay a difference, or to have supplementary health insurance. No data is available on how many women are without supplementary health insurance. It can be concluded that access to these health rights is difficult or impossible for unemployed and poor women.

In 2013 and 2014 an intervention in the existing sexual and reproductive rights of women was planned in relation to access to advice on family planning and free choice of contraception. The basis was the Rules on inclusion of medicines on the list, which determine that it is necessary the payment out of pocket for some contraceptives. The Women's Lobby of Slovenia warned health policy and public insurance company, that this provision is contrary to the Law on Health care and Health Insurance, which stipulates in Article 23 that the health of women in relation to consulting family planning, contraception, pregnancy and childbirth is fully covered by compulsory health insurance, and also contrary to the Article 55 of the Constitution, which provides a freedom of choice to have children. So far, this action was not realized.

In order to reduce cancer, the Slovenia National Cancer Plan 2010-2015 was adopted, which is particularly ineffective in coping with breast cancer. Another serious concern is an inadequate response of health policy at the rising incidence of breast cancer, which has been steadily increasing for more than twenty years. According to the latest available data, it rose to 123 per 100,000 women in 2010. The mortality rate for this disease is slowly falling, but in 2010, 421 women died and 1,268 were diagnosed with breast cancer. From 2008 the national screening programme for early detection of breast cancer is operating in only two Slovenian regions and it has been always facing very large organizational and financial problems. It is alarming that women in Slovenia suffer high-risk of breast cancer, which has high rates of successful early detection and treatment in a well-functioning health system and preventive programme.

Resolution on the National Health Care Plan for 2008-2013 with its goal to reduce health inequalities has already expired, and a new one has not been adopted yet. Indirect indicators such as self-perceived health assessment and access to health care and others have shown that the system of social and economic changes is more and more likely to threaten the health of women and increase inequality in their health in future in Slovenia (Ule, 2011).

National strategy on quality and safety in health care (2010-2015) should have a positive impact on the expertise of continuous improvement of medical treatment and patient safety and female patients and their equality, but in its report the government does not indicate evidence of the impact of this strategy on the implementation of sexual and reproductive rights (SRR).

As a response to inadequate control of high maternal mortality (MM), a set of professional training is reported to be carried out in 2008-2009. As a second measure, reference is made to the preparation of the development strategy of gynaecological and obstetric services, which to date has not been finalized or adopted. According to the latest available data (2009-2011), the maternal mortality at this time really dropped significantly since the three-year average rate is 1.5 per 100,000 live births, but at the moment it is not possible to estimate that the increase of maternal mortality has stopped (Mihevc Ponikvar et al., 2013).

The implementation of the sexual and reproductive rights is affected by access to a gynaecologist, which is deteriorating. The number of gynaecologists at the primary level was declining till 2010, in the years 2011-2012 it started to increase slightly. Nevertheless, in 2012 the gynaecologist should take care on average about 6,500 women aged 15 years and older, in some regions even more than 7,000 to 8,000 women, which is at least one-quarter more than it would be appropriate according to professional criteria (4,000 to 4,500 women per gynaecologist). This leads to excessively long waiting periods, commercializing some proven effective services, limiting the adoption of new patients, which mostly affects adolescent girls. Too many women per gynaecologist jeopardize the implementation of prevention programmes and impair the quality of medical treatment. This reduces the number of preventive and curative reviews and users of oral contraceptives.

Of particular concern are violations of the sexual and reproductive rights to adolescents who, as derived from the periodic reports, are not sufficiently visible in gynaecological and public medical profession, and even less in the health policy. Occasional distribution of information on existing contraceptives in the form of printed leaflets and e-material for young people is not sufficient, even if it is supported by data on the reduction of legal abortion of adolescent girls and early motherhood.

The annual number of pregnancies in adolescents, which was 500 in 2012, of which slightly more than half decided to have an abortion, is indicating a poor response of health policy. Adolescent abortion in the last 10 years is however decreasing, but it should be noted that in Slovenia there is no mandatory education for healthy sexuality in schools. Sex education is now largely inadequate and often misdirected and pushed into late teenage years. Being optional, its content is left to schools. Research shows that Slovenian adolescents have a very poor knowledge

of sexually transmitted infections, which endanger them. A specific consultation network on sexual and reproductive rights for adolescent girls is also not developed. Protection and strengthening of sexual and reproductive rights of young people are at risk, especially those who leave their education early or are at risk for other reasons.

The changed social and economic environment is reflected in the fact that there was no willingness to adopt a strategy to protect sexual and reproductive health, the Department to explore the health of women and children at the National Institute for Public Health has become “unnecessary” and abolished 10 years ago. Further development of prevention programmes has been stalled, improvements to the content of programmes and personnel capacities at the primary level and monitoring the implementation of reproductive health are no longer planned. This situation is felt mostly by women from vulnerable groups (young, poor, refugees, Roma, victims of violence), as well as with different sexual orientation, who have no access to the reproductive health care.

There are 14 maternity wards in hospitals in Slovenia, where women can give birth; but there are no independent birth centres in the country. Health regulations do not provide technical assistance in cases of giving birth at home, nor guidelines for such birth. The health system also does not recognize the midwife-led units that could provide care at birth in the hospital or at home. The medical staff in childbirth is difficult to deviate from established procedures which are designed primarily to end the birth quickly (artificial contractions, a high proportion of the cross-section of the perineum - episiotomy (Zeitlin et al., 2010: 103), and disrespectful attitude towards women in labour). Right of women to take informed decisions is often violated; pregnant women are not informed in advance and are not given the option of rejecting a particular procedure or approach (e.g. episiotomy). Research in this area is rare, the last national study was carried out in 2005.

Nowadays women in Slovenia find it difficult to exercise their sexual and reproductive rights, as evident from the data of various international institutions and organizations.

Recommendations:

- **The care for sexual and reproductive health rights must become a priority for the state and must be integrated into all policies.**
- **To develop a strategy for protection and promotion of sexual and reproductive health and provide high quality and financially sustainable public reproductive health, which will allow access to all proven effective services of reproductive health care, which will be covered by the compulsory health insurance. This should be done in a manner that respects, protects and implements sexual and reproductive rights.**

- **Special attention should be paid to sexual and reproductive health of risk groups by introducing a systemic approach to education for healthy sexuality in schools and the creation of new organizational forms of reproductive health care, which is friendly to the most vulnerable groups of women and men and those with different sexual orientation.**
- **More opportunities to make choices regarding childbirth and adequate provision of the midwife-led unit should be enabled.**

Questions:

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

Bibliography:

1. Health Care and Health Insurance Act, Official Gazette of the Republic of Slovenia, No. 72/06. Available only in Slovene at: <http://www.uradni-list.si/1/objava.jsp?urlid=200672&stevilka=3075>, 10. 1. 2015.
2. Mihevc Ponikvar B, Blejec T, Guzej Z, Renar I., 2013. *Maternalna umrljivost v Sloveniji v obdobju 2000 do 2009 (Maternal mortality in Slovenia in the period from 2000 to 2009)*. V: Verdenik I, Novak Antolič Ž, Zupan J, (ed.). *Perinatologia Slovenica II, pregled slovenskih perinatalnih rezultatov za obdobje 2002-11*. Ljubljana: Združenje za perinatalno medicino SZD in Ginekološka klinika, UKC Ljubljana.
3. Rules on inclusion of medicines on the list, Official Gazette of the Republic of Slovenia, No. 35/13. Available only in Slovene at: <https://www.uradni-list.si/1/content?id=112932>, 10. 1. 2015.
4. Slovenia National Cancer Plan 2010 - 2015. Available at: http://www.epaac.eu/from_heidi_wiki/SloveneNCCP_eng.pdf, 10. 1. 2015.
5. Ule M., 2013. Družbene neenakosti v zdravju žensk v Sloveniji (Social inequalities in women's health in Slovenia). *Zdravstveno varstvo* 52: 69-71.
6. Zdravstveni statistični letopis RS 2003 in 2012 (Health Statistical Yearbook 2003 and 2012), 2013. Ljubljana: Inštitut za varovanje zdravja RS. Available only in Slovene at: www.ivz.si, 10. 1. 2015.
1. Zeitlin, J., Mohangoo, A., Delnord, M. (ed.), 2010. *The European Perinatal Health report, Health and care of pregnant woman and babies in Europe 2010*. Available at: http://www.europeristat.com/images/doc/EPHR2010_w_disclaimer.pdf, 25. 2. 2015.

Article 13: Economic and Social Benefits

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

Pension legislation has abolished the welfare supplement to a pension as a right under the pension scheme, turning it into a social welfare benefit, in addition, it significantly complicated the possibility of receiving it. Among the recipients of welfare supplement in 2011, women accounted for 69 % of them. If the welfare supplement was received by almost 47,000 people in 2011, it was received by only 13,000 in 2012. There is no data related to gender for 2012, it is therefore assumed, based on previous statistics, that the majority decrease was in the number of the women recipients. In addition, taking into account all types of income for determining eligibility for it, the right to social security benefits has become repayable; meaning that after the death of the recipient the heirs shall reimburse it from the property they inherited. All this has resulted in a decline in the number of the former recipients. Moreover, the phenomenon of elderly leaving the nursing homes was observed, because they and their families cannot afford to pay for the care in the nursing home, there are also reports on increased violence against the elderly by their children.

Among all pensioners, 56 % of them are women. In the last ten years, from 2003 to 2012, pensions decreased by 7.5 % in relation to wages, the majority of this decrease was in the past four years. In 2012 the net pension was only 57 % of net earnings. More than half of pensioners receive a pension of less than € 622, of which nearly two thirds are women. The poverty rate is € 606 and more than half of the retired, most of them women, live in poverty or below the poverty rate.

From 2005 to 2012, women consistently run a higher risk of poverty than men. It increased again in 2013, and it is highest among women aged 65 and over who are living alone. Poverty is not the result of the crisis, but the result of social legislation accepted since 2005, which restricted access to social benefits and introduced new types of conditions for obtaining them, and in 2012 these escalated. In 2012, among those living below the poverty rate, 46 % were men and 54 % were women, people with low incomes (wages, pensions) being mostly subjected to it.

The number of child social benefits was drastically reduced in the years 2011 to 2013, which affected single-parent families the most, 84 % of which are single mothers with children, where the woman is the main provider. In 2011, the number of child social benefits to this type of family was still 448,762, in 2012 it decreased to 299,832, and in 2013 (to September) it decreased further to 180,158. The large decline in the number of child social benefits was the result of the inclusion of child social benefits and child maintenance in family income and consequently families failed to meet the conditions for this type of social benefits.

Recommendations:

- **Through its development and reinvestment policies, the state should arrange for economically independent living for working-age women and with its policies of redistribution for a decent life of all who cannot survive on their own work.**
- **To adopt a clear definition of how the state will implement the commitment of the welfare state and the commitment to reducing and eliminating poverty guaranteed with the Constitution.**
- **To increase the compensation for parental leave back to 100 %.**
- **To start a system exploration of families and a systemic evaluation of the effect of social and other policies on the lives of women, children and families.**

Question:

- **How will the state provide better economic and social position of women in relation to intervention measures taken and systemic legislation in relation to the above stated facts?**

Bibliography:

1. European Women's Lobby, 2012. *The price of austerity - the impact on women's rights and gender equality in Europe*. Brussels: Belgium.
2. Humer, Ž., Roksandić, M., 2013. *Protikrizni ukrepi in enakost spolov (Counter-crisis measures and gender equality)*. Ljubljana: Ženski lobi Slovenije. Available only in Slovene at: http://www.zenskilobi.si/images/PROTIKRIZNI_UKREPI_ENAKOSTSPOLOV.pdf, 12. 12. 2014.
3. Statistical Office of Republic of Slovenia (Intihar, S.), 2013. *Mednarodni dan boja proti revščini 2013 (International Day of the Elimination of Poverty)*. Available only in Slovene at: <http://www.stat.si/StatWeb/glavnanavigacija/podatki/prikazistaronovico?IdNovice=5827>, 12. 12. 2014.

4. Leskošek, V., 2011. Strukturne reforme na področju socialnega varstva (Structural reforms in the Social Care field). *Teorija in praksa*, let. 48, jubilejna št. ob 50-letnici FDV, oktober 2011: 1264 – 1280.

Article 16: Marriage and Family Life

Family life in Slovenia is characterized by plural family forms and partnership (cohabitation), which the new Family Code was trying to regulate, but was rejected at the referendum in 2012. Most changes in family life have happened in awarding of children when parents divorce and in increase of the proportion of one-parent families. The least changes have been observed in the distribution of domestic and care work between men and women in the private sphere. The phenomenon of forced marriages exists, according to the known cases, among the Roma population, but is regarded as a cultural feature of this ethnic group.

In Slovenia, changes in family life are perceived mainly in the plurality of family forms and relationships. The share of families consisting of a married couple with children is decreasing, the share of unmarried couples with children and that of single-parent families is increasing. Single-parent families are predominantly maternal parent families, but the proportion of fathers has slightly increased (14 % in 2002, 16 % in 2012) (Statistical Office of the Republic of Slovenia, 2013a). Single-parent families are the most vulnerable group of families in terms of social exclusion and economic disadvantage. Changes are also in awarding the child after divorce of parents, to the extent that today 49 % of children are assigned to mothers, 30 % to both parents and more than 9 % to fathers (Statistical Office of the Republic of Slovenia, 2013b).

Proposal for a new Family Code, which was based on an inclusive definition of family as a community of an adult and a child, would have brought a number of innovations that would go in step with the times of modern family forms. Due to its rejection at the referendum in 2012, the Marriage and Family relations law from 1976 is still in force. Thus, the rights of families of same sex parents and marriages, and the possibility of adoption of children is still not adequately regulated with other parents or families. In 2015 the Parliament enacted marriage for all, levelling rights of same-sex married couples to the rights of heterosexual married couples, including the right to adopt children. The elimination of discrimination against same-sex couples is not yet fully confirmed, as we wait for the Constitutional Court to determine whether the referendum proposed by conservative civil-society movement, the Roman Catholic Church and the opposition right-wing parties is admissible.

Changes in parenting are particularly evident in fatherhood. In Slovenia, changes in paternity has been detected at the individual level, with greater involvement of fathers in child care compared to previous generations, and at the system level with the introduction of paternity leave in 2003. In 2012, 84 % of fathers took paid paternity leave (15 days) and 31 % of fathers unpaid leave (75 days) (Ministry of Labour, Family, Social Affairs and Equal Opportunities, 2013). Parental leave could be shared by both parents, but data show that 95 % of women have taken this leave. In order to care for a sick child, 83.6 % mothers are absent from work (Ministry of Labour, Family, Social Affairs and Equal Opportunities, 2013; Renner et al., 2008). Attitudes and values about gender equality in the private sphere remain mainly at the level of rhetoric, both by women and men. Gender asymmetric division of domestic and care work is pronounced (Robnik, 2012; Švab, Humer, 2013; Humer, Rokсандić, 2013). If the difference in the number of hours worked by men (42.4 hours) and women (39.5 hours) per week spent at the workplace is very small, the difference in the number of hours spent on domestic and care work is significantly higher. Working women spend 42 hours a week for domestic and care work while men 28 hours (Second European Quality of Life Survey, 2009). In particular, household work is the area of domestic work, where no major changes in the direction of gender equality have been seen in the last fifty years (Boh, 1966; Ule, 1979; Jogan, 1986). Most of care and upbringing of children is in the age group between 35 and 49 years, maximum care for the elderly in the age group of 50 to 65 years (Second European Quality of Life Survey, 2009). This means that employed middle-aged women are mostly caretakers of family members, taking care of the children first, then either of the partner's or their own parents, and lastly of the elderly partner.

Cases of forced marriages of Roma girls may occasionally be observed in the media and the public. Thus, three cases of forced marriages of Roma girls echoed in 2010. Media coverage revealed how the school representative believed that it was not within their competence to act, a representative of the Centre for Social Work believed that the girl was sufficiently mature to marry an adult male, both contended that we must take into account the cultural specificities of certain ethnic communities (Alliance for Nonviolence, 2010). NGOs working in this field said that the coercion, inherent in forced marriages of Roma girls, is subtle (through socialization), economic (refund of purchase - bride token), psychological (death threats, spell, expulsion, shame) and less physical. Institutions in Slovenia completed few cases with a favourable outcome for victims and often do not react (the belief that there is a Roma culture, and it is also about fear and prejudices against Roma). Because of fear and lack of information, these girls mainly do not escape or/and do not speak out (Djoković in Veselič, Matko, 2014). Data on the extent to which forced marriages and marriages occur in Slovenia, is non-existing.

Recommendations:

- **Measures to promote reconciliation of work and family obligations have to address women and men, and in addition to caring for children they must take into account care for the elderly and other family members in need.**
- **Legislative regulation and enforcement of equal status to the families of homosexual parents have to be put into effect.**
- **To conduct a national survey of families and family life in Slovenia.**

(Recommendations are taken from the Feminist manifest of 2014)

Questions:

- **What measures will be taken by the state to improve the situation of mothers in the single-parent family and to distribute more equally the burden of working women with family and care obligations?**
- **When will the state ensure equal rights to families of homosexual parents?**
- **What will the state do to prevent forced marriages of underage girls, especially in the Roma community?**

Bibliography:

1. Boh, K., 1966. *Časovni budžeti (Kako zaposlena žena troši prosti čas) (Time Budget (How a busy wife spends free time))*. Ljubljana: Inštitut za sociologijo in filozofijo pri Univerzi v Ljubljani.
2. European Foundation for the Improvement of Living and Working Conditions. 2009. *Second European Quality of Life Survey. Overview*. Available at: <http://www.eurofound.europa.eu/pubdocs/2009/02/en/1/EF0902EN.pdf>, 24. 11. 2014.
3. Humer, Ž., Roksandič, M. 2013. *Protikrizni ukrepi in enakost spolov (Counter-crisis measures and gender equality)*. Ljubljana: Ženski lobi Slovenije.
4. Jogan, M., 1986. *Zaposlenost žensk in spreminjanje družine (raziskovalno poročilo za leto 1985 in 1986) (Employment of women and changing family (research report for the year 1985 and 1986))*. Ljubljana: RSS.
5. Ministry of Labour, Family, Social Affairs and Equal Opportunities, 2013. Letter from an e-mail. Unpublished.
6. *Press Release Alliance for Nonviolence on current forced marriages of 8. 12. 2010*, Available only in Slovene at: <http://www.drustvo-zenska-svetovalnica.si/izjava-za-javnost-zveze-za-nenasilje-o-aktualnih-prisilnih-porokah>, 24. 1. 2015.
7. Renner, T., Humer, Ž., Žakelj, T., Vezovnik, A., Švab, A. 2008. *Novo očetovstvo v Sloveniji (The new fatherhood in Slovenia)*. Ljubljana: Fakulteta za družbene vede.

8. Robnik, S., 2012. *Raziskava Enakost spolov v družinskem življenju in v partnerskih odnosih (Research on Gender equality in family life and partnership)*, Ministrstvo za delo, družino, socialne zadeve in enake možnosti, Služba za enake možnosti in evropsko koordinacijo. Available only in Slovene at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/druzina/RaziskavaEnakostSpolovPartnerstvo.pdf, 25. 2. 2014.
9. Statistical Office of Republic of Slovenia, 2013a. Mednarodni dan očetov (*International Fathers Day*). Available only in Slovene at: http://www.stat.si/novica_prikazi.aspx?id=5558, 26. 11. 2014.
10. Statistical Office of Republic of Slovenia, 2013b. *Sklenitve in razveze zakonskih zvez, Slovenija, 2013 - končni podatki (Marriages and divorces, Slovenia, 2013 – final data)*. Available only in Slovene at: http://www.stat.si/novica_prikazi.aspx?ID=6303, 26. 11. 2014.
11. Ule, M., 1979. *Nekaj empiričnih podatkov o vlogi ženske in družine v samoupravni družbi. Poročilo II. Faze raziskave Družbenopolitična aktivnost žensk na Slovenskem (Some empirical data on the role of women and families in self-managing society. Report II. Government constituency phase of the research activity of women in Slovenian)*. Ljubljana: Fakulteta za sociologijo, politične vede in novinarstvo, Center za raziskovanje javnega mnenja in množičnih komunikacij.
12. Veselič, Š., Matko, K. (2014), *Analiza usklajenosti nacionalnih standardov, zakonodaje in javnih politik s Konvencijo Sveta Evrope o preprečevanju nasilja nad ženskami in nasilja v družini ter o boju proti njima (Analysis of harmonization of national standards, legislation and public policies with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence)*. Ljubljana: Društvo SOS telefon za ženske in otroke – žrtve nasilja.
13. Women's Lobby of Slovenia, 2014. *Feminist Manifesto*, From the Conference 20 years after Beijing, November 2014, Brdo pri Kranju. Available only in Slovene at: http://www.zenskilobi.si/images/DOKUMENTI/Splet_Fem_manifest_MR.pdf, 24. 11. 2014.

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

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

The Courts in Slovenia recognize the maintenance of minor children in the average amount of € 131.16⁴, according to calculations of the Ministry of Labour, Family, Social Affairs and Equal Opportunities, while the cost of living for one person in 2009 amounted to € 562.07⁵. The average maintenance also taking into account the child allowance (child benefit supplement is the benefit for the maintenance and education of the child and depends on family income and the number of children in families) do not cover the proportional share of the child's needs. Proper maintenance (i.e. maintenance of more than € 200) is received by only 12.8 % of children. The proportion of very low maintenance is 0.8 %, this maintenance is paid up to € 20, 2.4 % of maintenance beneficiaries receive maintenance in the amount of € 20 - 40 and 16.1 % in the amount of € 40 - 80⁶. Among the beneficiaries from the maintenance of approximately 58,000⁷, 91.7 % of them are women (as a lawful representative of the child); according to NGOs one third of persons fail to comply with its obligations, they either fail to pay the maintenance regularly or do not pay it at all.

The average monthly net salary in Slovenia is around € 1,000.00 which means that it is difficult for a person with average incomes to independently care for themselves and for the child. A mother who has custody of the child must devote more of her time to the upbringing and care of the child and a larger proportion of their income than the child's father. The amount of the average maintenance is not in accordance with the cost of living or the average wage in the country; this disparity places women in a much worse position compared with men.

The state has not established an effective mechanism for the recovery of maintenance, thus it is further weakening the position of women - single mothers. In cases of non-payment of maintenance the state, through the Maintenance Fund, pays for a child an amount significantly lower than the average specific maintenance. In 2013 this amount was from € 72.46 to 94.19 (depending on the age of the child). If the maintenance is set in a small amount, the Fund will compensate the whole maintenance. Maintenance Fund recovers 28 % of total liabilities from non-payers. Fiscal Balance Act (2012) postponed the coordination of maintenance replacement with the growth of the cost of living to and including the year following the year in which economic growth exceeds 2.5 % of gross national product. The law in this section disproportionately affects women more than men. Exact data on the proportion of non-payers is not available as

⁴ Data from the webpage of the Ministry of Labour, Family Social Affairs and Equal Opportunities from 18. 10. 2013, available only in Slovene at: http://www.mddsz.gov.si/si/uvcljavljanje_pravic/statistika/prezivnine/, 4.12. 2014.

⁵ Data from the webpage of the Ministry of Labour, Family Social Affairs and Equal Opportunities, available only in Slovene at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/240709-tk-min_zivlj_stroski.pdf, 4. 12. 2014.

⁶ Data from the webpage of the Ministry of Labour, Family Social Affairs and Equal Opportunities, available only in Slovene at: http://www.mddsz.gov.si/si/uvcljavljanje_pravic/statistika/prezivnine/, 4. 12. 2014.

⁷ Data from the webpage of the Ministry of Labour, Family Social Affairs and Equal Opportunities, available only in Slovene at: http://www.mddsz.gov.si/si/uvcljavljanje_pravic/statistika/prezivnine/, 4. 12. 2014.

Maintenance Fund monitors only those who make an application for compensation. Other mechanisms for the control of non-paying persons are non-existent and it is currently estimated that one third of the eligible women has difficulty with (regular) payments of the maintenance.

In determining and recovery of the maintenance the state failed to provide adequate protection to beneficiaries: the state has not yet examined the possibilities for a simpler and more efficient system of determining maintenance, it did not guarantee extension of the limitation period for maintenance, so that the starting point of limitation binds to the processing ability of the child (each instalment of the maintenance lapses in three years after the maturity date - 1st paragraph of Article 347 of the Code of Obligations), the maintenance claim is not defined as an absolute priority claim, process execution can be interrupted by third-party proceedings, which defers the obligation to pay the maintenance until the objection is solved.

With a view to the protection of de facto equality, the state should set minimum maintenance to at least half of the minimum wage⁸ and exhaustively define exceptions to this amount. The state should also coordinate the compensation of the Maintenance Fund with this amount. It is necessary to ensure the coordination of compensation despite the financial crisis, as these measures disproportionately affect women more than men. The state should establish a more effective system of enforcement of maintenance, so that maintenance represents the absolute priority of claims in enforcement proceedings, provide for measures and carry out other activities for ensuring the payment of maintenance obligations.

Recommendations:

- **To set the minimum maintenance amount to at least half of the minimum income for the purpose of protection of the actual equality (and then to establish exceptions to this amount).**
- **To highlight a more effective way of enforcement of maintenance and perform other activities for ensuring the payment of maintenance obligations.**

Questions:

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

⁸ The minimum wage in 2013 is € 261,51. Available only in Slovene at: <http://www.uradni-list.si/1/objava.jsp?urlid=20138&stevilka=231>, 4. 12. 2014.

Bibliography:

1. Code of Obligations, Official Gazette of the Republic of Slovenia, No. 97/07. Available only in Slovene at: <http://www.uradni-list.si/1/objava.jsp?urlurid=20074826>, 4. 12. 2014.
2. Decision on the agreed minimum wage as of January 2013. Official Gazette of the Republic of Slovenia, No. 08/13. Available only in Slovene at: <http://www.uradni-list.si/1/objava.jsp?urlid=20138&stevilka=231>, 4. 12. 2014.
3. Fiscal Balance Act, Official Gazette of the Republic of Slovenia, No. 40/12. Available only in Slovene at: <http://www.uradni-list.si/1/content?id=108751>, 4. 12. 2014.

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

Crime Victim Compensation Act is discriminatory because it contains a formal condition of the citizenship of the Republic of Slovenia or other EU Member States for obtaining compensation under this Act.

The census of 2011 states that 82,746 foreigners (from non-EU states) lived in Slovenia on 1. 1. 2011 (Statistical Office of Republic of Slovenia, 2011) and, according to UNHCR, an unknown number of persons without the citizenship in Slovenia.

They may be, due to their status, very vulnerable and often victims of crime, for example domestic violence and human trafficking (the latter mostly include women - citizens of the third world countries, according to experience of NGOs), but since the formal condition for obtaining compensation is the citizenship of Republic of Slovenia or other EU Member States, they are not entitled to compensation. This is an unacceptable discrimination affecting mostly women.

According to experience of NGOs, women victims of trafficking predominate in Slovenia, they are mainly third world country nationals and are not eligible to compensation under applicable law. Crime Victim Compensation Act allows crime victims of violent crime in Slovenia and the EU Member States to obtain compensation upon the satisfaction of certain conditions without triggering an action for damages (if the victims are children, the disabled or victims of domestic violence). To this purpose an assumption of non-payment is established, i.e. that the compensation is impossible to be recovered from the offender. This presumption does not apply to those victims of trafficking who otherwise meet the conditions for recognition of compensation and for victims of sexual abuse when the abuse does not occur in the family. Victims must initiate legal proceedings, which may last for several years. If the compensation is not paid they have to

initiate enforcement proceedings, and if it is evidently unsuccessful, they are entitled to compensation. Victims of human trafficking and sexual abuse are particularly vulnerable and the assumption of non-payment should also apply in their case.

Recommendations:

- **To make an immediate change in legislation that will enable the recognition of compensation under the Crime Victim Compensation Act also to citizens of third world countries or stateless persons.**
- **To make a rapid change in legislation that will set the presumption of non-payment in cases where victims eligible for compensation under the Crime Victim Compensation Act are the victims of trafficking and the victims of sexual abuse.**

Questions:

- **What are the state's plans to eliminate discrimination against women - citizens of third world countries or without citizenship who are victims of crime to obtain compensation under the Crime Victim Compensation Act?**
- **How will the state eliminate discrimination against women from non-EU countries who are victims of trafficking and victims of sexual abuse concerning entitlement to compensation under the same conditions as all other victims using the assumptions of non-payment?**

Bibliography:

1. Crime Victim Compensation Act, Official Gazette of the Republic of Slovenia, No. 86/10. Available at: http://ec.europa.eu/justice_home/judicialatlascivil/html/pdf/national_law_cv_sln_en.pdf, 28. 2. 2015.
2. Statistični urad Republike Slovenije, Prebivalstvo Slovenija, 1. januar 2011 – končni podatki. (Statistical Office of Slovenia, Population, Slovenia, 1. January 2011 - Final data), 2011. Available only in Slovene at: http://www.stat.si/novica_prikazi.aspx?id=3876, 18. 6. 2014.
3. UNHCR v Sloveniji, Osebe brez državljanstva (persons without citizenship). Available only in Slovene at: <http://www.unhcr-centraleurope.org/si/komu-pomagamo/osebe-brez-drzavljanstva.html>, 18. 6. 2014.
4. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, Official Journal of the European Union No. L 261, 6. 8. 2004. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:261:0015:0018:en:PDF>, 27. 2. 2015.
5. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. Official Journal of the European Union No. L 101, 15. 4. 2011.

Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>, 28. 2. 2015.