



## **Quality in Gender+ Equality Policies**

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## **Issue Histories Slovenia: Series of Timelines of Policy Debates**

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## 1. Introduction

Although the process of Slovenian accession to the European Union, formally accomplished in May 2004, and the process of transposition and implementation of EU directives into domestic legislation were important and noteworthy developments in the history of gender+ equality laws and policies in Slovenia, gender equality legislature, policies and practice have a much longer history.

In the times of the Socialist Federal Republic of Yugoslavia, gender equality was mainly tackled through the worker's emancipation pattern (Bahovec, 2006) as a superior set of claims and anti-discrimination strategies. Yet, regardless of the fact that most policies and initiatives for equality and equal opportunities between men and women (called women's emancipation) were subordinated to the ideology of class liberation, in effect these policies established a relatively high level of gender equality. The Conference for the questions of the social position of women – which was part of the Socialist Alliance of Working People – was one of the main initiators of important equality achievements such as equal access to education, high level of employment, the right to abortion, birth control and family planning, a reasonably developed and accessible network of childcare and similar. However, one party state feminism primarily fostered social rights and issues (and therefore social emancipation of women), while political emancipation and accompanying issues and questions were not tackled as much.

Slovenia has quite a long tradition of a relatively high participation of women in the labour market since various features of the system (such as full-time employment, security of jobs, protective legislation for women, paid maternity leave, the well-established system of public childcare facilities) enhanced women's integration into paid work and ensured their economic independence (Gortnar, 2006). In 1981, Yugoslavia ratified The Convention on the Elimination of All Forms of Discrimination against Women. The socialist gender regime in Slovenia even adopted constitutive reproductive rights (including abortion on demand) from 1974, and the Slovenian republican Penal code from 1977 (but not the federal Yugoslav) defined rape in and out of heterosexual wedlock as a criminal offence and also decriminalized homosexual relationships.

During the 1980s, especially the so-called new social movements (including the feminist movement, gay and lesbian movement, peace movement, environmental movement and similar movements) were a part of a vibrant civil society movement. With the establishment of these movements, state feminism encountered "opposition" and the establishment of a new political agenda. These actors contributed to the change of the political system as well, and helped to bring about and elaborate on the issues of feminism and socialism, concepts of the woman question, women's emancipation, women's politics and equal opportunities. Due to the women's movement struggles around the new Slovenian constitution in 1991, reproductive rights were also preserved in the independent Slovenian state (Jalušič, 1999). In spite of the post-socialist tendency of the governments to put these issues aside, gender and other equality issues did not become overlooked policy issues. This was not only due to the EU integration incentives but both due to the socialist legacy and persistent awareness of the

importance of these topics, and due to the new agendas and initiatives brought by the civil society movements in transition to post-socialist circumstances.

### General note on issue history for Slovenia

One of the key problems when trying to sketch the issue histories and its policy developments is the non-transparency of the process. If the issue is not publicly exposed, it is sometimes impossible to trace back the policy and law making procedures and its direct influences. Therefore it is generally very difficult to assess which actors were involved in shaping the first drafts of the bill. In interviews with key informants it turned out that they themselves do not keep in mind who contributed to the final version of a policy document, unless there were major controversies around some issues. Most often drafts of the bill are prepared by working groups at the Ministries. Sometimes NGO actors are involved in these groups, at other times NGO actors, interest groups and other experts are invited to comment on the bill only after it is drafted. Other ministries and the Office for Equal opportunities also have a chance to comment on the bill before it is submitted to the Parliament. The Office for Equal Opportunities is therefore one of the key actors in gender mainstreaming as it takes care that gender+ equality provisions are included in the bills. However all these proposals and comments and different drafts of the bill are not publicly available on the internet. They are stored in archives of each ministry.

In the issue history for Slovenia I outline major shifts and controversies around relevant policy documents. However, if there is no mentioning of other actors it means that the law or policy document was more or less “peacefully” proposed and adopted by the government (which is often the case with the transposition of EU directives into national legislature) without any major opposition or contribution on the side of the civil society actors. However this does not mean that civil society actors were not invited to comment on the bill (the government has to invite them to comment on bills by law). It only means that there were no major controversies between the governmental and civil society’s views on the issue.

### Main legislation relating to gender+ equality in Slovenia

Pre Quing period

1974
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New **Constitution of Socialist Republic Slovenia**<sup>1</sup> is adopted. The amended Constitution introduced the right of every person to freely decide about the birth of children (article 233).

1976
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The **Act on Marriage and Family relations**<sup>2</sup> is adopted. The act stipulates that unmarried heterosexual couples enjoy the same legal position as married couples.

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<sup>1</sup> Ustava Socialistične Republike Slovenije (1974), [http://sl.wikisource.org/wiki/Ustava\\_Socialisti%C4%8Dne\\_republike\\_Slovenije\\_\(1974\)](http://sl.wikisource.org/wiki/Ustava_Socialisti%C4%8Dne_republike_Slovenije_(1974))

1977

New **Penal Code** criminalized rape in and out of wedlock in heterosexual relationships and decriminalized homosexuality.

**Health Measures in Exercising Freedom of Choice in Childbearing Act** was adopted. The Act granted the right to artificial insemination to every adult legally competent and healthy woman in the age period suitable for childbirth.

1981

Yugoslavia ratified **Convention on the elimination of all forms of discrimination against women**.

1988

**Council for the protection of Human Rights and Fundamental Freedoms** (an oppositional civil society institution) is established.

1990

The **Commission for Women's Politics** is established.

**National Employment Office**<sup>3</sup> is established.

1991

Slovenia declares state independence on 25 June 1991 and on 23 December 1991 the **Constitution of the Republic Slovenia**<sup>4</sup> is adopted. Article 14 ensures legal equality as one of the basic human rights. Article 55 protects the constitutional right of every person to freely decide about the birth of their own children and obliges the state to provide facilities for such free decision to be carried out.

The **Employment and Insurance Against Unemployment Act**, which was adopted in 1991, introduces several measures for the active politics of employment. Such measures were needed due to the fact that the number of unemployed people had been continuously increasing in the first years after the independence and the change of economic system (market economy).

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<sup>2</sup> Zakon o zakonski zvezi in družinskih razmerjih, [http://zakonodaja.gov.si/rpsi/r00/predpis\\_ZAKO40.html](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html)

<sup>3</sup> Zavod Republike Slovenije za zaposlovanje, <http://www.ess.gov.si/>

<sup>4</sup> Ustava Republike Slovenije, [http://www.uradni-list.si/\\_pdf/1991/Ur/u1991033.pdf](http://www.uradni-list.si/_pdf/1991/Ur/u1991033.pdf)

1992

The **Office for Women's Politics**<sup>5</sup> is established.

Slovenia as a new state ratifies the **UN Convention on the Elimination of all forms of Discrimination Against Women**.

1993

The **Human Rights Ombudsman Act**<sup>6</sup> is adopted. In 1995 the institution was formed as a autonomous and independent institution which should identify and prevent violations of human rights and other irregularities arising from the operation of public bodies and agencies. Gender+ inequalities have been on the Ombudsman's agenda.

The **Family Benefits Act**<sup>7</sup> is adopted. It regulates family benefits, as well as defines the beneficiaries, the amounts, and the conditions and procedures for gaining such family benefits.

1994

The new **Penal Code**<sup>8</sup> places the violation of the principle of equality among the criminal offences against human rights and offences. The violation of the principle of equality is regulated in Article 141 of the Penal Code. It also introduces criminalization of trafficking in women.

Slovenia as a new state ratifies the **Convention on Human Rights and fundamental freedoms**.

The **amendments to the Family Benefits Act**<sup>9</sup> introduce financial child care supplements for one of the parents of a seriously ill child or a child with physical disabilities.

Quing period

1995

The **Human Rights Ombudsman office**<sup>10</sup> is established.

The **Peking Declaration and Platform for Action** (Nairobi's strategies) are adopted.

<sup>5</sup> Urad za žensko politiko, <http://www.sigov.si/uzp/>

<sup>6</sup> Zakon o varuhu človekovih pravic, [http://www.uradni-list.si/\\_pdf/1993/Ur/u1993071.pdf](http://www.uradni-list.si/_pdf/1993/Ur/u1993071.pdf)

<sup>7</sup> Zakon o družinskih prejemkih, [http://www.uradni-list.si/\\_pdf/1993/Ur/u1993065.pdf](http://www.uradni-list.si/_pdf/1993/Ur/u1993065.pdf)

<sup>8</sup> Kazenski zakonik Republike Slovenije (1994), [http://www.uradni-list.si/\\_pdf/1994/Ur/u1994063.pdf](http://www.uradni-list.si/_pdf/1994/Ur/u1994063.pdf)

<sup>9</sup> Zakon o spremembah in dopolnitvah zakona o družinskih prejemkih, [http://www.uradni-list.si/\\_pdf/1994/Ur/u1994071.pdf](http://www.uradni-list.si/_pdf/1994/Ur/u1994071.pdf)

<sup>10</sup> Varuh človekovih pravic, <http://www.varuh-rs.si/>

1996

The Commission for Women's Politics is renamed the **Commission for Equal Opportunities Policy**.

The **Elementary School Act**<sup>11</sup> is adopted. It appoints a Roma assistant to classes with Roma children, and introduces Roma language lessons in elementary school.

The **Kindergarten Act**<sup>12</sup> and **Organization and Financing of Education Act**<sup>13</sup> are adopted. They set grounds for organizing private kindergartens. The cost of child-care in public and private kindergartens depends on the type of programme the child is enrolled in. The amount parents are required to pay for this service is determined by the local authorities on the basis of the personal income per family member and the family's financial means.

1998

The **Criminal Procedure Act**<sup>14</sup> is adopted. The Act enables the court to give a temporary order evicting a spouse from a common apartment, if this is necessary to prevent the violence.

1999

Slovenia ratified the **European Social Charter** which includes special provisions for equality in employment.

The **amendment of the Penal Code**<sup>15</sup> changed article 299 (violent acts) in such a way that the violent acts are criminalized not only in public space but also in the private sphere. The change implicitly introduced domestic violence as a criminal offence to the Penal Code.

The **Asylum Act**<sup>16</sup> is adopted. While it does not grant the right to work to asylum seekers, refugees and their family members are allowed to work on the same grounds as citizens of Slovenia as soon as they obtain the status of a refugee. Asylum seekers have the right to temporary work (a few hours per week).

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<sup>11</sup> Zakon o spremembah zakona o osnovni šoli, <http://www.uradni-list.si/1/ulonline.jsp?urlid=199733&dhid=28170>

<sup>12</sup> Zakon o vrtcih, <http://www.uradni-list.si/1/ulonline.jsp?urlid=199612&dhid=32250>

<sup>13</sup> Zakon o organizaciji in financiranju vzgoje in izobraževanja, <http://www.uradni-list.si/1/ulonline.jsp?urlid=199612&dhid=32248>

<sup>14</sup> Zakon o spremembah in dopolnitvah zakona o kazenskem postopku, <http://www.uradni-list.si/1/objava.jsp?urlid=199872&stevilka=3622>

<sup>15</sup> Zakon o spremembah in dopolnitvah kazenskega zakonika Republike Slovenije, <http://www.uradni-list.si/1/objava.jsp?urlid=199923&stevilka=1035>

<sup>16</sup> Zakon o azilu, <http://www.uradni-list.si/1/objava.jsp?urlid=199961&stevilka=2911>

The **Pension and Invalidity Insurance Act**<sup>17</sup> is adopted. It moves towards an equalisation in retirement age for men and women, although it still remains different for both groups. The retirement age for women with the same pension period is two years lower than for men.

The **Maintenance fund for Children**<sup>18</sup> is established. It is intended for those children who have been allocated maintenance under a final court ruling, but the person liable to pay maintenance is not paying.

2000

The parliamentary Commission for Equal Opportunities Policy is dissolved and the issues were integrated into the **Committee of Internal Policy**.

The **Infertility Treatment and Procedures of Biomedically-Assisted Procreation Act**<sup>19</sup> is adopted, followed by a public referendum in 2001 with the question whether fertilization with biomedical assistance should be accessible to all women. The result of the referendum which had a poor turnout was negative. Medically-assisted insemination is now limited only to those women who are in medical need for it and in a heterosexual relationship.

The **Employment and Work of Aliens Act**<sup>20</sup> is adopted. It defines that government shall annually determine the quota of work permits through which it shall restrict the number of aliens in the labour market.

2001

The **Commission for the promotion of women in science**<sup>21</sup> is established.

The Office for Women's Politics is renamed the **Office for Equal Opportunities**.<sup>22</sup>

**Parental Protection and Family Benefit Act**<sup>23</sup> is adopted. The essential innovation introduced by the Act is the non-transferable father's right to paternity leave. The act also enables part-time working for one of the parents who is caring for the child.

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<sup>17</sup> Zakon o pokojninskem in invalidskem zavarovanju, <http://www.uradni-list.si/1/objava.jsp?urlid=1999106&stevilka=4965>

<sup>18</sup> Javni jamstveni in preživninski sklad Republike Slovenije, <http://www.jps-rs.si/core.php>

<sup>19</sup> Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, <http://www.uradni-list.si/1/objava.jsp?urlid=200070&stevilka=3307>

<sup>20</sup> Zakon o zaposlovanju in delu tujcev, <http://www.uradni-list.si/1/objava.jsp?urlid=200066&stevilka=3058>

<sup>21</sup> Komisija za uveljavitev vloge žensk v znanosti, <http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/PosvetZZRUmekVenturini.pdf>

<sup>22</sup> Urad za enake možnosti, <http://www.uem.gov.si/>

<sup>23</sup> Zakon o starševskem varstvu in družinskih prejemkih, <http://www.uradni-list.si/1/objava.jsp?urlid=200197&stevilka=4794>

**A working group for the fight against human trafficking** is established as an expert advisory body to the government.

An **Expert Council on dealing with violence against women** is established at the Ministry of work, family and social affairs as an advisory body.

2002

On 20 May 2002 the **Equal Opportunities for Women and Men Act**<sup>24</sup> is adopted. The act gives a legal basis for the National Assembly to adopt the National programme for equal opportunities for women and men upon proposal of the government. The act is aimed at promoting gender equality in all walks of life. It introduced an obligation for the ministries and local communities to promote gender equality by general and special measures and by gender mainstreaming – interpreted as ‘integrating a gender perspective into planning, development, implementation, monitoring and evaluation of their policies and their management’. The act also introduced a special institution of the advocate of equal opportunities of women and men and a network of coordinators for equal opportunities of women and men from all the ministries. These coordinators are responsible for gender mainstreaming – integrating the principle of gender equality into the respective fields of their ministries.

**Employment Relationships Act**<sup>25</sup> is adopted. Is it based on the EU Employment directive on non-discrimination. Among others it prohibits sexual harassment and discrimination on different grounds at work. Special provision on equal pay for work of equal value is also included.

2003

The post of the **Advocate for Equal Opportunities for Women and Men** is established.

**Amendments to the Police Act**<sup>26</sup> are adopted. Articles 39a and 39b provide policewomen and policemen with more power of intervention in the cases of domestic violence. A policeperson can issue a restraining order prohibiting a person to approach a specified location or area and a particular person, which includes also a ban on harassment via means of communication.

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<sup>24</sup> Zakon o enakih možnostih žensk in moških, <http://www.uradni-list.si/1/objava.jsp?urlid=200259&stevilka=2837>

<sup>25</sup> Zakon o delovnih razmerjih, <http://www.uradni-list.si/1/objava.jsp?urlid=200242&stevilka=2006>

<sup>26</sup> Zakon o spremembah in dopolnitvah zakona o policiji, <http://www.uradni-list.si/1/objava.jsp?urlid=200379&stevilka=3740>

**A new Act on Criminal Offences against Public Order and Peace<sup>27</sup>** is adopted. It also implicitly deals with domestic violence – which became evident in 2006 with the amendments to the act.

The **Housing Act<sup>28</sup>** is adopted. It introduced an option to allocate a non-profit dwelling unit to socially unprivileged persons on the basis of a list of persons eligible for such allocation. Among the socially unprivileged persons, women and children, and victims of (domestic) violence are listed. Among the first public formal opinions of the Advocate for Equal Opportunities is the judgement (on the basis of an announcement) that this act does not involve gender discrimination.

**Prostitution** is decriminalized.

Minister of the Interior signed the **Declaration on the commitment: Legalization of the status of victims of trafficking in human beings**. The Declaration obliged Slovenia to provide help and protection of the victims of trafficking in human beings.

The **Rules on protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding<sup>29</sup>** are adopted.

2004
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An **amendment to the Social Assistance Act<sup>30</sup>** introduced the right to a family assistant to adult persons with severe mental development disorder and to adult physically handicapped persons who need assistance with all basic life needs.

**Implementation of the Principle of Equal Treatment Act<sup>31</sup>** is adopted, transposing EU directives on equal treatment in employment and occupation (2000/78/EC) and EU racial directive (2000/43/EC) into the Slovenian legal system.

Among others, the Act defines direct and indirect discrimination on the grounds of personal circumstances. It also defines harassment. The Act sets the general framework for ensuring equal treatment of everybody in the exercise of their rights, obligations and fundamental freedoms in any area of social life, in particular in the areas of employment, working relationships, memberships in trade unions and interest groups, education, social security, and access to and supply of goods and services irrespective of personal circumstances. The Act stipulates that the National Assembly, the Government, line ministries and other state

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<sup>27</sup> Zakon o razglasitvi zakona o spremembah zakona o prekrških zoper javni red in mir, <http://www.uradni-list.si/1/objava.jsp?urlid=200369&stevilka=3313>

<sup>28</sup> Stanovanjski zakon, <http://www.uradni-list.si/1/objava.jsp?urlid=200369&stevilka=3312>

<sup>29</sup> Pravilnik o varovanju zdravja pri delu nosečih delavk, delavk, ki so pred kratkim rodile ter doječih delavk, [http://zakonodaja.gov.si/rpsi/r09/predpis\\_PRAV5189.html](http://zakonodaja.gov.si/rpsi/r09/predpis_PRAV5189.html)

<sup>30</sup> Zakon o spremembah in dopolnitvah zakona o socialnem varstvu, <http://www.uradni-list.si/1/objava.jsp?urlid=20042&stevilka=68>

<sup>31</sup> Zakon o uresničevanju načela enakega obravnavanja, <http://www.uradni-list.si/1/objava.jsp?urlid=200450&stevilka=2295>

bodies and bodies of self-governing local communities are responsible for providing the conditions for equal treatment. The Act supposes close cooperation between Government and line ministries with social partners and NGOs in achieving the equality goals. On these bases the **Council of Government for the Implementation of the Principle of Equal Treatment** is established. The Council oversees the implementation of the **Implementation of the Principle of Equal Treatment Act's** provisions, it follows and evaluates the position of different social groups, and it provides the government with suggestions, recommendations and measures needed for the implementation of the principle of equal treatment. The Council also promotes education, awareness raising programmes and research on equal treatment. One of its tasks is also to follow the work of the **Advocate for equal opportunities**.

In March **The Election of the Slovenian Members to the European Parliament Act**<sup>32</sup> introduced a women's quota: a minimum of 40% of candidates of both sexes had to be on the candidate list. As a result there was a 43% share of women among the MEPs elected. In June the constitutional change amending article 43 of the Constitution (universal and equal right to vote) was approved by the Parliament. The amendment allowed the legislator to establish legal measures for encouraging equal opportunities (the provision of quotas) for men and women on candidate lists for national and local elections.

In September 2004 **Decree Regulating the Criteria for Implementation of the Principle of Balanced Representation of Women and Men** is adopted by the Government as a direct effect of article 14 of the Implementation of the Principle of Equal Treatment Act. The Decree, similar to the amendments to the Election act, lays down the procedure to ensure balanced representation – 40% of women and men – in the composition of working bodies and in appointing and nominating Government representatives. Some exceptions (such as if membership in a certain body stems from a particular function) are permitted on objectively justified grounds.

Slovenia ratified the **Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women**.<sup>33</sup> By doing that Slovenia recognized the competence of the Committee on the Elimination of Discrimination Against Women to receive and consider communications by or on behalf of individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention.

**Amendments to the Penal Code**<sup>34</sup> introduced non-paying of maintenance for children as a criminal offence. It also introduced penalization of trafficking in human beings with one to ten years imprisonment. The amendments to the Penal Code in 2004 also introduced more severe punishment for criminal offences against sexual integrity.

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<sup>32</sup> Zakona o spremembah in dopolnitvah Zakona o volitvah poslancev iz Republike Slovenije v Evropski parlament, <http://www.uradni-list.si/1/objava.jsp?urlid=200422&stevilka=920>

<sup>33</sup> Zakon o ratifikaciji Opcijskega protokola h Konvenciji o odpravi vseh oblik diskriminacije žensk, <http://www.uradni-list.si/1/objava.jsp?urlimpid=200451>

<sup>34</sup> Kazenski zakonik (2004), <http://www.uradni-list.si/1/ulonline.jsp?urlid=200495&dhid=71623>

The **Vocational Rehabilitation and Employment of Disabled Persons Act**<sup>35</sup> is adopted. The Act responded to the analysis which showed that the level of unemployment is 20% higher among disabled people compared to other unemployed people. For this reason the act introduced new solutions for the employment of disabled people.

The **Roma employment centre**<sup>36</sup> is established in 2004. The aim of the centre is to connect those employers who are willing to employ Roma people. The project is also aiming at preparing suggestions for amendment of employment legislation dealing with Roma people.

2005
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**Amendments to the Local Election Act**<sup>37</sup> are adopted. They introduced a provision which obliges a political party or voters who run in their constituency more than one candidate for election to a municipal council to draw up their candidates lists in such a way as to ensure that either sex accounts for at least 40% of all candidates listed and that the candidates in the first half of the list alternate by sex. The act introduced a “transitional period” (until 2014), when it is required that at least 20% share of women and men respectively are listed in the candidate lists for the elections in 2006, and 30% for the elections in 2010. Additionally, during the transitional period it is sufficient that the candidate lists are arranged so that at least each third candidate is of the other sex. The results from the local elections in 2006 show that 203 male and 7 female mayors were elected. 22% and 25% female candidates are elected in city and village councils respectively.

The **Registration of Same-Sex partnership Act**<sup>38</sup> is adopted. It gives partners in same-sex relationship a say in each other’s medical care and grants limited inheritance rights. No social, pension and similar rights are granted while adoption or parenting rights are not addressed.

**Witness Protection Act**<sup>39</sup> is adopted. Among others it provides witness protection of victims of trafficking in human beings and other threatened persons.

**The Civil Servants Act**<sup>40</sup> is adopted. It prohibits any unwanted physical, verbal or non-verbal conduct or behaviour of a public servant deriving from any personal circumstance and creating intimidating, hostile, degrading, humiliating, abusive or offensive working environment for any person and violating his or her dignity.

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<sup>35</sup> Zakon o zaposlitveni rehabilitaciji in zaposlovanju invalidov, <http://www.uradni-list.si/1/objava.jsp?urlid=200463&stevilka=2873>

<sup>36</sup> Romski zaposlitveni center, <http://www.equal-rzc.si/>

<sup>37</sup> Zakona o spremembah in dopolnitvah Zakona o lokalnih volitvah, <http://www.uradni-list.si/1/objava.jsp?urlid=200572&stevilka=3215>

<sup>38</sup> Zakon o registraciji istospolne partnerske skupnosti, <http://www.uradni-list.si/1/objava.jsp?urlid=200565&stevilka=2840>

<sup>39</sup> Zakon o zaščiti prič, <http://www.uradni-list.si/1/objava.jsp?urlid=2005113&stevilka=5003>

<sup>40</sup> Zakon o spremembah in dopolnitvah Zakona o javnih uslužbencih, <http://www.uradni-list.si/1/objava.jsp?urlid=2005113&stevilka=5004>

The **amendment to Employment and Insurance Against Unemployment Act**<sup>41</sup> introduced the reimbursement of expenses to those employers who employ an unemployed person for the period of women's absence from work due to her maternity leave.

The **Employment and Work of Aliens Act**<sup>42</sup> is amended. Among the new categories which the Act is dealing with asylum seekers are now mentioned.

2006
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The **National Assembly Elections Act**<sup>43</sup> is amended. It introduces similar provisions to the amendments to the Local Election Act, with the exception that candidate lists should be drawn up in such a way that either sex accounts for at least 35% of all candidates. In spite of the fact that this is in opposition to the Act on Equal Opportunities for Women and Men, which set a final quota at 40%, the Parliament adopted the Act.

The **Parental Protection and Family Benefits Act**<sup>44</sup> is amended.

The **Protection of Public Order Act**<sup>45</sup> is adopted, annulling the 2003 version of Offences against public order and peace Act. Article 6 of the Act penalizes physical and verbal violence against a partner (in wedlock, registered partnership or unregistered partnership) with financial penalty.

The **Asylum Act**<sup>46</sup> is amended. It defines that asylum seekers may start working after one year of being an asylum seeker in Slovenia if the decision about his or her application is not finalized in this period.

The **Rules on the manner of determining the right of free access to the labour market with regard to the nationals of the EU and the EEA and their family members**<sup>47</sup> are adopted. It is defined that the right of free access to the labour market by EU or EEA nationals and family members of EU or EEA nationals, who are not themselves EU Member

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<sup>41</sup> Zakon o spremembah in dopolnitvah Zakona o zaposlovanju in zavarovanju za primer brezposelnosti, <http://www.uradni-list.si/1/objava.jsp?urlid=200679&stevilka=3456>

<sup>42</sup> Zakon o spremembah in dopolnitvah Zakona o zaposlovanju in delu tujcev, <http://www.uradni-list.si/1/objava.jsp?urlid=2005101&stevilka=4398>

<sup>43</sup> Zakon o spremembah in dopolnitvah Zakona o volitvah v državni zbor, <http://www.uradni-list.si/1/objava.jsp?urlid=200678&stevilka=3401>

<sup>44</sup> Zakon o spremembah in dopolnitvah Zakona o starševskem varstvu in družinskih prejemkih, <http://www.uradni-list.si/1/objava.jsp?urlid=200647&stevilka=2026>

<sup>45</sup> Zakon o varstvu javnega reda in miru, <http://www.uradni-list.si/1/objava.jsp?urlid=200670&stevilka=2998>

<sup>46</sup> Zakon o spremembah in dopolnitvah Zakona o azilu, <http://www.uradni-list.si/1/objava.jsp?urlid=200617&stevilka=626>

<sup>47</sup> Pravilnik o načinu ugotavljanja pravice do prostega dostopa na trg dela državljanov EU in EGP ter njihovih družinskih članov, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/rules\\_free\\_access.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/rules_free_access.pdf)

State or EEA citizens, means that such persons can become employed in the Republic of Slovenia without a work permit.

2007

The **Roma Community Act**<sup>48</sup> is adopted. The Act defines the right for the organization of Roma people on the local and national levels, the means of financing the organization and similar. The Act also deals with issues of residence conditions of Roma people, their access to education and to the labour market.

In June 2006 and January 2007 Slovenia received two separate explanatory opinions from European Commission on **violations of EU Directives 2000/43/EC (racial directive) and 2000/78/ES (non-discrimination directive) and its insufficient transposition into Slovenian legal system**. There were four questions/complaints raised:

1. Lack of explicit mentioning of prohibition of discrimination in disseminating information in access to self-employment, housing, health security, education and vocational training;
2. The Implementation of the Principle of Equal Treatment Act does not provide an exception for a genuine and determining occupational requirement and the obligation of proportionality of the measures;
3. While the law provides protection for the victim of discrimination, the legislation does not provide sufficient protection to witnesses or other persons assisting the victim;
4. Lack of NGO standing to engage in judicial proceedings on behalf of the victim.

For these reasons the government established an Interdepartmental working group for the preparation of changes to The Implementation of the Principle of Equal Treatment Act in accordance with the Commission annotations.<sup>49</sup> It is expected that the amended Implementation of the Principle of Equal Treatment Act will be discussed in the Parliament later this year (2007).

### **National action plans and strategies**

Before Quing

1991

**Programme of Active Employment Policy Measures** is adopted (based on the Employment and Insurance Against Unemployment Act). It is an annual programme which enabled many unemployed people to obtain at least the minimum funds for their living and to stay active. The programme also stimulates people to become self-employed, and to acquire new knowledge and skills needed for employment.

<sup>48</sup> Zakon o romski skupnosti, <http://www.uradni-list.si/1/ulonline.jsp?urlid=200733&dhid=88862>

<sup>49</sup> Predlog zakona o spremembah in dopolnitvah zakona o uresničevanju načela enakega obravnavanja, <http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/ZUNEO-A-VRS.pdf>

1993

**Resolution on the Foundations of Family Policy**<sup>50</sup> is adopted. While Slovenia is no exception in the intensification of pluralisation of family forms and family lifestyles, the Resolution does not reflect this diversity to a great extent. Rather, it is aimed at preserving the traditional nuclear family.

Quing period

1995

The **Programme of Measures for Assisting the Roma** is adopted. The programme recognized that Roma encounter difficulties particularly in the areas of living standards, education and employment

1998

**White Paper on the reform of the pension and disability insurance system** is presented by the Government.

1999

**Resolution on immigration policies**<sup>51</sup> is adopted, setting grounds for the integration of aliens in Slovenian society.

2000

**National programme for health care**<sup>52</sup> is adopted. The programme sets a special measure aimed at promoting sexual and reproductive health as one of the priority goals.

**National Social Protection Programme by 2005** is adopted. It is setting up a network of homes for mothers and shelters for women. While the programme recognizes the problem of violence, it does not suggest any special measures in combating it.

The **Programme for combating poverty and social exclusion**<sup>53</sup> is adopted.

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<sup>50</sup> Resolucija o temeljnih oblikovanju družinske politike v Republiki Sloveniji, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/resolucija\\_druzina.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/resolucija_druzina.pdf)

<sup>51</sup> Resolucija o imigracijski politiki Republike Slovenije, <http://www.uradni-list.si/1/ulonline.jsp?urlid=199940&dhid=18363>

<sup>52</sup> Nacionalni program zdravstvenega varstva Republike Slovenije – Zdravje za vse do leta 2004, [http://www2.gov.si/zak/Akt\\_vel.nsf/e2c55933dd689715c1256616002db4ab/c12565e2005e8311c12568f000306144?OpenDocument](http://www2.gov.si/zak/Akt_vel.nsf/e2c55933dd689715c1256616002db4ab/c12565e2005e8311c12568f000306144?OpenDocument)

2001

**National Programme on the Development of Labour Market and Employment** by 2006 is adopted. The programme is aimed at enabling equal opportunities for men and women in the labour market as well as the reconciliation of professional and family life.

2002

**Mid-term action plan of the police for the period from 2003-2007** is adopted. It includes provisions on the tasks and assignments of the police in the field of domestic violence. They include the analysis of measures, establishing faults and deficiencies, education and training of policewomen and policemen, and active participation in drafting and implementing new legislative solutions.

New **Resolution on migration policies**<sup>54</sup> is adopted. However, it keeps the model of multicultural integration as introduced in the Resolution in 1999.

The **Directions for the Active Employment Policy for 2002 and 2003** and **The programme of Active Employment Policy for 2002**<sup>55</sup> are adopted.

2003

Association against violent communication prepared – in cooperation with some other women's NGOs and experts - **National action plan of work on prevention of violence against women**. However, the Ministry of Labour, Family and Social Affairs, which was supposed to draft such an action plan in the first place, never accepted it or implemented the goals of the proposed National plan.

2004

**Action plan on combating trafficking in human beings**<sup>56</sup> is adopted.

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<sup>53</sup> Program boja proti revščini in socialni izkjučenosti, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/soc\\_prgprotirevscini.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/soc_prgprotirevscini.pdf)

<sup>54</sup> Resolucija o migracijskih politikah, <http://www.uradni-list.si/1/ulonline.jsp?urlid=2002106&dhid=56324>

<sup>55</sup> Usmeritve aktivne politike zaposlovanja za leti 2002 in 2003 in Programi aktivne politike zaposlovanja za 2002, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/usmeritve0203inprogramiAPZ02.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/usmeritve0203inprogramiAPZ02.pdf)

<sup>56</sup> Akcijski načrt medresorske delovne skupine za boj proti trgovini z ljudmi, <http://www.gov.si/vrs//util/bin.php?id=2005040414545420>

The **Social Agreement for the Period 2003 – 2005**<sup>57</sup> is signed by the social partners. Equal opportunities are particularly identified among the tasks of the social partners.

**National programme for social inclusion 2004 – 2006**<sup>58</sup> is adopted.

The annual **Action programme for employment**<sup>59</sup> is adopted. Since 2004, all programmes of active employment policy have been integrating measures on gender equality through a horizontal approach. This means that within each measure there is a specified proportion of women who must be included in such a measure. Women are also considered to be within the group of more difficult to employ persons, to whom special attention is devoted.

2005
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**National Programme for Equal Opportunities of Men and Women 2005 - 2013**<sup>60</sup> is adopted. The strategic document defines policy priorities, objectives and measures for achieving gender equality in different areas: gender mainstreaming, work, knowledge-based society, social welfare, gender relations and decision-making. The Resolution contains commitments of the Beijing Declaration and the Platform for Action and conclusions of the 23<sup>rd</sup> Special Session of the General Assembly of the United Nations entitled “Women 2000: Gender Equality, Development and Peace for the Twenty-First Century”. Approximately 960,000 euros will be allocated from the national budget for these aims.

The **Programme of reform for the implementation of the Lisbon strategy in Slovenia**<sup>61</sup> is adopted. As part of the reforms in employment and in the system of social security, equal opportunities of sexes are included. In addition, the programme deals with the issues of: reconciliation between family and work, discrimination at the work place, disabled people in the work place and it also addresses the position of Roma in Slovenia. There are three primary measures specified in relation to equal opportunities of men and women: implementation of programmes for the advancement of the professional promotion of women; the stimulation of education and employment of men and women in those work spheres where they are underrepresented; and high integration of women in employment activation programmes.

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<sup>57</sup> Socialni sporazum za obdobje 2003-2005, [http://www.bilten.net/univerza/dokum\\_free/soc-sporazum-03-05.pdf](http://www.bilten.net/univerza/dokum_free/soc-sporazum-03-05.pdf)

<sup>58</sup> Nacionalni akcijski načrt o socialnem vključevanju 2004 – 2006, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/nap\\_si\\_04\\_06.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/nap_si_04_06.pdf)

<sup>59</sup> Nacionalni akcijski program zaposlovanja 2004, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/nap2004.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/nap2004.pdf)

<sup>60</sup> Resolucija o nacionalnem programu za enake možnosti žensk in moških 2005-2013, [http://www.uem.gov.si/si/zakonodaja\\_in\\_dokumenti/enake\\_moznosti\\_zensk\\_in\\_moskih/nacionalni\\_program\\_za\\_enake\\_moznosti\\_zensk\\_in\\_moskih\\_2005\\_2013/](http://www.uem.gov.si/si/zakonodaja_in_dokumenti/enake_moznosti_zensk_in_moskih/nacionalni_program_za_enake_moznosti_zensk_in_moskih_2005_2013/) and Analiza stanja – Podlaga za Resolucijo o nacionalnem programu za enake možnosti žensk in moških (2005-2013), [http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/NPZEMZM\\_analiza\\_stanja.pdf](http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/NPZEMZM_analiza_stanja.pdf)

<sup>61</sup> Program reform za izvajanje lizbonske strategije v Sloveniji, [http://www.slovenijajutri.gov.si/fileadmin/urednik/dokumenti/program\\_reform\\_izvajanje\\_lizbonske.pdf](http://www.slovenijajutri.gov.si/fileadmin/urednik/dokumenti/program_reform_izvajanje_lizbonske.pdf)

**Strategy for the protection of elderly by 2010**<sup>62</sup> is prepared by the Ministry of Labour, Family and Social Affairs. The purpose of the Strategy is to get ready for the demographic changes and to ensure the conditions for all elderly inhabitants of Slovenia for a safe and good quality life and full social inclusion. The Strategy devotes special attention to the issues of gender equality, in particular as regards participation of elderly women and decision-making on important issues regarding health care, educational opportunities and the prevention of violence.

The annual **Action programme for employment**<sup>63</sup> is adopted.

2006
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As part of the National Programme for Equal Opportunities of Men and Women, a **Periodic plan for the implementation of the National Programme for Equal Opportunities of Men and Women**<sup>64</sup> was adopted for the years 2006 and 2007. For each two year period priority tasks and goals are defined. These are the priority goals for the first period (2006-07): Analysis of discrimination in the work place based on gender; the stimulation of employment of women (as part of the active politics of employment); the stimulation of programmes which ensures self-employment of women and women's enterprises; and informing female employees and others about sexual and other harassment in the work place. The Government shall regularly submit a two-year report to the National Assembly on the measures and activities carried out under the national programme over the past two years.

**Draft proposal for the increase of fertility**<sup>65</sup> is presented by the Ministry of Labour, Work and Social Affairs. Among others the Strategy claimed that the number of abortions in Slovenia contributes to the poor demographic image of the nation. For these reasons it was suggested that payment for artificial termination of pregnancy should be on the side of pregnant women rather than being provided by state subsidies. An additional measure suggested by the Strategy was obligatory consultation with a psychologist or social worker before the termination of pregnancy. The draft was never adopted.

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<sup>62</sup> Strategija varstva starejših do leta 2010 – Solidarnost, sožitje in kakovostno staranje prebivalstva, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/strategija\\_varstva\\_star\\_ejsih\\_splet\\_041006.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/strategija_varstva_star_ejsih_splet_041006.pdf)

<sup>63</sup> Nacionalni akcijski program zaposlovanja 2004 (za 2005), [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/nap04\\_05.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/nap04_05.pdf)

<sup>64</sup> Periodični načrt za izvajanje nacionalnega programa za enake možnosti žensk in moških za obdobje 2006 – 2007, [http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/PN\\_NPZEMZM.pdf](http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/PN_NPZEMZM.pdf)

<sup>65</sup> Strategija za dvig rodnosti v Republiki Sloveniji, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/strategija\\_rodnost\\_osn\\_utek\\_151106.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/strategija_rodnost_osn_utek_151106.pdf)

The **Social Agreement for the Period 2006-2009**<sup>66</sup> is adopted. Equal opportunities are particularly identified among the tasks of social partners, among them reduction of segregation in pay is mentioned.

The annual **Action programme for employment**<sup>67</sup> is adopted.

2007
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The **National development programme 2007-2013**<sup>68</sup> is adopted. It includes provision on equal opportunities of men and women.

The **Operative programme of the development of human resources 2007-2013**<sup>69</sup> is adopted. The programme introduces special programmes for the elimination of discrimination in employment and education. It also addresses the issue of reconciliation of work life and family.

The **Action programme for disabled people 2007 – 2013**<sup>70</sup> is adopted.

### **Short history of the gender equality machinery**

#### Commission for Women's Politics

In July 1990, even before the adoption of the Constitution of the Republic of Slovenia, the Commission of the National Assembly of the Republic of Slovenia for Women's Politics<sup>71</sup> was established. It consisted of only female members and was importantly influenced by the group Women for Politics (Skupina Ženske za politiko) (Jalušič, 2002). The Commission was responsible for monitoring the position of women in Slovenia and submitting proposals for improvements – legal and other – of women's position. As Bahovec noted its “basic tasks were to give suggestions and opinions during the procedure of passing legal acts ensuring that women have the possibility to achieve equal status in all spheres of life and that the level

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<sup>66</sup> Socialni sporazum za obdobje 2006 – 2009, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/soc\\_sporazum\\_7\\_12\\_05.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/soc_sporazum_7_12_05.pdf)

<sup>67</sup> Katalog ukrepov aktivne politike zaposlovanja za leto 2006, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/KatalogUkrepovAPZ2006.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/KatalogUkrepovAPZ2006.pdf)

<sup>68</sup> Državni razvojni program, <http://www.svlr.gov.si/index.php?id=1182>

<sup>69</sup> Operativni program razvoja človeških virov za obdobje 2007 – 2013, [http://www.svlr.gov.si/fileadmin/svlr.gov.si/pageuploads/KOHEZIJA/kohezija-200207/op-ess\\_vlada-150207\\_koncno.pdf](http://www.svlr.gov.si/fileadmin/svlr.gov.si/pageuploads/KOHEZIJA/kohezija-200207/op-ess_vlada-150207_koncno.pdf)

<sup>70</sup> Akcijski program za invalide 2007 – 2013, [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/api\\_07\\_13.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/api_07_13.pdf)

<sup>71</sup> Also referred to as Women's Policy Commission. The original name was Commission for Women's Politics – deliberately emphasising and differentiating between policy and politics (the differentiation which is not present in the Slovene language but is usually expressed as a difference between politics in singular and policies in plural). Later, the name in all English documents was translated not as 'politics' but as 'policy' and the difference was lost. The same applies to the name of the Office for Women's Politics.

of women's rights already achieved would be maintained." (Bahovec, 2006) One of the first and most important achievements of the Commission was not only arguing for the right to abortion (since it was questionable whether it would be included in the new Constitution), but also debates on other issues such as refugee policies and ethnic discrimination. The commission also fought for the inclusion of sexual orientation in the Constitution as a ground on which discrimination is prohibited. However, the final version of the Constitution did not include sexual orientation. A "compromise" with the right-wing parties was made by the left-liberal political block, as right-wing parties were reluctant to support the right to abortion if sexual orientation was to stay in the Constitution. The right to abortion was preserved, sexual orientation was crossed out. This was the first "competition" over priority between different inequalities. (See more on this in the Intimate citizenship section.)

### Commission for Equal Opportunities Policy

After 1996 the Commission for Women's Politics was renamed Commission of the National Assembly of the Republic of Slovenia for Equal Opportunities Policy<sup>72</sup>. It performed its tasks in co-operation with independent experts. Finally, it was abolished after the elections in 2000, when its competencies were taken over by the Parliamentary Committee for Internal Affairs. Another change occurred in 2004 when the issues of gender equality were transferred into the competence of the Committee for Petitions, Human Rights and Equal Opportunities.

After the national election in 2000, the Equal Opportunities Policy Commission was dissolved with the argument that there is a need to rationalize working methods and procedures of the legislative power and that a gender equality principle will be integrated in the work of each working body of the Slovenian parliament. After the elections in 2004 an initiative to re-establish the Equal Opportunities Policy Commission was refused again on the same grounds. As noted before, the Committee of Internal Policy was entrusted to be the focal point for gender equality issues, while all other parliamentary working bodies have been made responsible for the development of gender equality sensitive decisions. Neubauer (2004) comments that such a decision "sounded very promising. But it was clear at first sight that it was a matter of competing national priorities where gender equality has de facto never been placed and not a matter of gender sensitive policy". Dobnikar (2003) adds that the Committee of Internal Policy has a lot of obligations and covers a broad variety of issues. For these reasons the abolition of the Equal Opportunities Policy Commission is a step backwards in endeavours for equal opportunities for women.

### Commission for the promotion of women in science

In 2001 the Commission for the promotion of women in science was established as an expert body at the Ministry of Higher Education, Science and Technology. One of the reasons for its establishment was the 1999 European Commission recommendation to mobilize women for the enrichment of the research field in Europe. The Commission prepares annual work

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<sup>72</sup> Komisija za politiko enakih možnosti. Also referred to as Equal Opportunities Policy Commission.

programmes mainly in the area of public awareness raising, promotes gender mainstreaming to be included in the programme documents of the research and development policy and relevant legal acts. It also promotes a network of researchers who are engaged in gender studies in various areas.

#### Expert Council on dealing with violence against women

An Expert Council on dealing with violence against women is established at the Ministry of Work, Family and Social Affairs as an advisory body in 2001. It was founded on the initiative of non-governmental organisations operating in the field. It consists of the representatives of women's non-governmental organisations, Ministry of Labour, Family and Social Affairs, Ministry of the Interior – General Police Administration, Social Chamber, social work centres, Ombudsman Office, Office for equal opportunities, and Health Care Chamber.

#### Council of Government for the Implementation of the Principle of Equal Treatment

In August 2004 the Council of Government for the Implementation of the Principle of Equal Treatment was established as foreseen in the Implementation of the Principle of Equal Treatment Act. Basic tasks of the Council are to provide the implementation of the provisions of the Act; to monitor, establish and assess the position of individual groups within society as regards the implementation of the principle of equal treatment; to formulate and submit to the Government proposals, initiatives and recommendations for the adoption of legal acts and measures required for the implementation of the principle of equal treatment; to formulate and submit proposals for the promotion of education, awareness-raising and research in the field of equal treatment of persons; to gather information on the work of the Advocate of the Principle of Equality. The Council of Government for the Implementation of the Principle of Equal Treatment consists of 24 members, of whom 9 are representatives of ministries and government agencies, 4 are representatives of expert institutions, 2 are representatives of the Italian and the Hungarian national minority, 1 is a representative of the Roma Association of Slovenia, and 8 are representatives of the NGOs active in the area of equal treatment. The Council is supposed to be a mechanism for the consultation of the government with the civil society on gender+ equality issues.

#### Office for Women's Politics

The Office for Women's Politics, the first "gender equality institution" of independent Slovenia, began operating on July 1, 1992. Its establishment was linked to the women's movement efforts to re-establish gender equality machinery in post-socialist settings, especially to the efforts of the Women for Politics Group, parliamentary Commission for Women's Politics and the governing Liberal-democratic Party (Mencin, 2002). On June 20, 1993, the Government of the Republic of Slovenia set up the Office as a professional service, which became responsible for the implementation of the rights of women guaranteed by the constitution, legislation and international treaties. In this way, as written on the web presentation of the office, "the government committed itself to integrating the principle of

gender equality (meaning gender mainstreaming) into government policy and to eliminating inequality in all areas of life.” (<http://www.uem.gov.si/>)

The office was the first self-standing professional government body in the field of gender equality, based on the Founding Act of the Women’s Politics Office. Its tasks were raising public awareness, monitoring the position of women, realizing the rights ensured by the constitution, laws and international agreements, assisting government in policy making and discussing regulations and measures adopted by the government, initiating legislation and proposing measures to the government and ministries to promote gender equality, preparing gender based analyses and reports, and disseminating gender-relevant data and other information on gender equality (Slovenia Country information). In order to fulfill its basic purpose it has engaged in several publicly recognized projects and campaigns over the years.

On February 24, 2001, the office was renamed the Office for Equal Opportunities (and started to operate on July 1, 2002). According to Neubauer “the change in its name didn’t have any impact on its mandate and working methods but contributed to gradually changed focus from women to gender equality, from a focus on eliminating discrimination against women to a more dynamic one that considers the right to equality as a fundamental right and recognizes the need for proactive strategies and policies” (Neubauer, 2004). It took on the tasks of the Office for Women’s Politics and is continuing the work specified by the decision of the Government and the Act on Equal Opportunities for Women and Men. The office works together with ministries and other public services, organizations (national and international) as well as foreign and domestic experts. It is responsible to the Government, but not attached to any specific ministry. Despite the change of the name gender equality continued to be the focus of working activities of the office even after 2002. In relation to other inequalities, the Equal Opportunity office is responsible only for the coordination of activities aiming at implementation of the EU Racial equality directive and Employment directive.

In 2003 the level of autonomy of the Office for Equal Opportunities was questioned due to the reform of state administration. It was suggested that the Office should be abolished and its work transferred to the Ministry of Work, Family and Social Affairs. This proposal was presented to the Committee on the Elimination of Discrimination against Women, whose concluding comments led to a reconsideration of this intention and the Office for Equal Opportunities was maintained as a self standing professional service of the government. From 2003 onwards, the Office for Equal Opportunities has been co-financing projects of NGOs in the fields for equal opportunities of women and men from budget resources.

Nowadays, the Office monitors the position of women and implementation of their rights guaranteed under the Constitution, laws and international conventions, participates in the preparation of regulations, acts and measures and examines draft acts and measures prepared by ministries from a gender equality perspective. It issues opinions on them and gives proposals for changes before they are adopted by the government or ministries, it

presents initiatives and proposals for measures in its area of work, promotes gender equality by informing, awareness-raising and counselling, examines initiatives by NGOs and represents the government in activities of international and regional organizations to promote gender equality. The Office for Equal Opportunities performs its tasks in co-operation with ministries and governmental services, local communities, professional and scientific institutions, NGOs, domestic and foreign experts and regional and international organizations (Slovenia country information).

#### Advocate for equal opportunities

In accordance with the Act on Equal Opportunities for Women and Men (2002), an Advocate for equal opportunities for women and men started to work within the Office for Equal Opportunities in 2003. The advocate's task is to hear cases of alleged unequal treatment of women and men. Even though the Advocate's opinions are not binding, the Fourth Periodic CEDAW report points to the fact that perpetrators of discrimination respect the Advocate's recommendations to a certain extent and that they are not indifferent when their actions are recognized to be discriminatory. From 2004 onwards, with the adoption of the Implementation of the Principle of Equal Treatment Act, the Advocate's opinions became more efficient because the Advocate is now entitled to transfer her/his opinion to the competent inspection body if the perpetrator of discrimination does not follow the Advocate's opinion within the set timeframe.

#### National and local coordinators for equal opportunities

According to the Fourth Periodic CEDAW report, equality legislation, especially the Act on Equal Opportunities for Women and Men, introduced a process of "horizontal expansion and vertical decentralization of national machinery". As part of the process, coordinators for equal opportunities have been appointed in every ministry and within the local governments in 2003. However, due to the lack of knowledge (and interest) on gender and equal opportunities not all of the coordinators are very active although they are expected to act very closely with the Office for Equal Opportunities in performing their tasks. The coordinators are responsible for the implementation of gender mainstreaming in their respective ministries or bodies. One successful example is the Ministry of Defense where an internal action plan for equal opportunities was adopted. The Ministry agreed to be especially sensitive in non-discrimination (e.g. in recruiting).

#### Human Rights Ombudsman<sup>73</sup>

In December 1993 the Slovenian National Assembly adopted the Human Rights Ombudsman Act, which laid down the legal basis for establishing the Human Rights Ombudsman. The Council for the protection of Human Rights and Fundamental Freedoms

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<sup>73</sup> Human Rights Ombudsman Act does not refer to ombudsman as ombudsperson. In public discourse the word "ombudsman" is often used.

which was established in former Yugoslavia in 1988 can be, to a certain extent, considered as the Ombudsman's predecessor, as a civil society initiative that made the issue of human rights a question on the agenda of the former socialist state. The Council ceased operating when the Ombudsman officially began to work.

Legal grounds for the establishment of such an institution were set down in Article 159 of the Slovenian Constitution which states that "in order to protect human rights and fundamental freedoms in relation to state authorities, local self-government authorities and bearers of public authority, the office of the ombudsman for the rights of citizens shall be established by law." The same article renders the establishment of special ombudsmen for the rights of citizens in particular fields. While there were several initiatives to establish an ombudsman for children's rights, this has not yet been implemented.

The Human Rights Ombudsman formally began work on January 1, 1995. The institution was formed as an autonomous and independent institution which should identify and prevent violations of human rights and other irregularities arising from the operation of public bodies and agencies, and eliminate their consequences. Gender+ inequalities have been on the Ombudsman's agenda. According to Bahovec (2006) this institution is particularly concerned with questions of violence against women and children, ethnic and religious minorities, disabled people and homosexuals, but less with women as such. In her opinion this is a consequence of a greater intolerance against those social groups. The statute defines that the ombudsman's role is the protection of the rights of the individual in relation to state bodies, local government bodies and holders of public authority, and to supervise the work of these bodies and institutions. The ombudsman is supposed to act in accordance with the provisions of the Constitution and international legal documents on human rights and fundamental freedoms. However, he or she has no formal power and can merely draw attention to shortcomings in the work of state institutions.

### Employment and Social Courts

In 1994 the Labour and Social Courts Act is adopted, introducing special employment courts. The Act does not address gender+ inequalities in employment. In 2004 a new **Labour and Social Courts Act**<sup>74</sup> is adopted, annulling the one from 1994. However, special provisions on gender equality are not included.

### Impact of the EU

The transition from socialism to capitalism raised concerns about how the new economic and political system would affect women's position in the labour market, their social security and inclusion. According to Gortnar (2006), this has not affected women in Slovenia as much as in some other post-communist countries. Kanjuo Marčela (interview, 2007) believes that the

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<sup>74</sup> Zakon o delovnih in socialnih sodiščih, <http://www.uradni-list.si/1/objava.jsp?urlid=20042&stevilka=70>

EU measurements, introduced into Slovenian legislature, were to a great extent in accordance with the legacy of the socialist gender equality policies. While in some fields (such as the pay gap) the EU directives pushed forward issues which were not addressed much before, some EU measures (such as the introduction of part-time work) worsened the position of women in the labour market, as the majority of part-time workers are women, who were full-time employed.

The major impact of the European Union in regard to gender equality legislation came in the beginning of the new millennium when the Act on Equal Opportunities for Women and Men (2002) and the Implementation of Equal Treatment Act (2004) were adopted, setting legal grounds for the introduction of gender equality measures in all legal documents in Slovenia. The Act on Equal Opportunities for Women and Men was prepared by the Office for Equal Opportunities and Legal-information Centre (PIC) on the basis of similar laws in the European Union (Kozmik, Salecl, 1999). It was partially influenced by the “accession period”, when Slovenian legislation was in the process of harmonization with the EU standards, although debates and initiatives for drafting such a bill existed already in the nineties. The debate was stimulated by feminist non-governmental organizations. At the time of adoption, the Act was understood as one of the expected steps in joining the European Union together with the transposition of EU gender equality directives into the Slovenian legal system. For these reasons it wasn't exposed to any opposition in the Parliament. The only part of the bill which caused several disputes in the Parliament was connected to the introduction of quotas for equal representation of women and men in politics. While the adopted version of The Act on Equal Opportunities for Women and Men set the final quota at 40%, the actual National Assembly Elections Act from 2006 introduced provision that candidate lists should be drawn up in such a way that either gender accounts for at least 35% of all candidates. This Act is therefore in contrast with The Act on Equal Opportunities for Women and Men.

Drafting of The Implementation of the Principle of Equal Treatment Act was adopted as transposition of the EU directive on equal treatment in employment and occupation (2000/78/EC) and the EU racial directive (2000/43/EC; implementing the principle of equal treatment between persons irrespective of racial or ethnic origin) into the Slovenian legal system.

In June 2006 and January 2007 Slovenia received two separate explanatory opinions from the European Commission on violations of EU Directives 2000/43/EC (racial directive) and 2000/78/ES (non-discrimination directive) and its insufficient transposition into the Slovenian legal system. For these reasons, the government established an Interdepartmental working group for the preparation of changes of The Implementation of the Principle of Equal Treatment Act in accordance with the Commission annotations. It is expected that the amended Implementation of the Principle of Equal Treatment Act will be discussed in the Parliament later this year (2007).

While the important impact of the EU and its directives cannot be denied, the fact that both Acts were adopted without any major problems and were not seen as controversial has to be

accorded to the legacy of socialist gender equality practice, women's non-governmental organizations, feminist movement and the important role of the Office for Women's Politics (now known as Office for Equal Opportunities). Additionally the grounds for such legislature were set down in 1981 (and 1992) with the ratification of the UN convention on the Elimination of All Forms of Discrimination against Women.

### **Impact of other international actors**

Although ratified by the SFRY already in 1981, the Convention on the Elimination of all forms of Discrimination Against Women has been in effect in Slovenia since 1992. In terms of the development of gender equality legislation, the ratification of this convention (which took place together with the adoption of the Act on the Notification of Succession to UN Conventions) on July 6, 1992 represents an important step. The Slovenian government became not only bound by the Constitution and legislation but also by international agreements to guarantee human rights and fundamental freedoms which prevent all forms of discrimination. Generally, the UN convention represents the main reference point for establishing gender equality in Slovenian society today. Its provisions serve as guidance for the measures proposed to the government by the Office for Equal Opportunities. Moreover, several NGOs use its provisions as their reference point. According to Gortnar (2006), the transposition of the provisions of the convention is visible in the main principles for ensuring and promoting equal treatment and equal opportunities for women and men in political, economic, social, educational fields and other fields of social life. These principles are imbedded into the Act on Equal Opportunities for Women and Men and the Implementation of the Principle of Equal Treatment Act.

In 1997 Slovenia joined the United Nations Development Programme. The financial resources provided by the programme (1997-1999) were aimed at gender equality and mechanisms contributing to it. Within the framework of this programme, the Women's Politics Office started a pilot project 'Gender Mainstreaming in Slovene Government Policy Development' in October 1997. The project was based on a contract between the Women's Politics Office and the Ministry of the Interior, Ministry of Education and Sports and Ministry of Labour, Family and Social Affairs. Initially the Office wanted the Ministry of Finance to participate in the project as it was expected that the Ministry of Finance would be competent for the distribution of financial resources inside the administration. Therefore, as Gortnar (2002) writes "it could have financed and regulated the implementation of gender mainstreaming. But the Ministry rejected the co-operation with an argument that they would not be competent for financial distribution in individual ministries and that ministries should decide on their own which programmes or branches they are going to fund." The results showed that there is a lack of knowledge on gender equality and that in order to make individuals who are involved in policy-development accountable for integrating a gender

equality perspective into their work (gender mainstreaming)<sup>75</sup>, binding decisions are needed. In this respect the Draft Act on Equal Opportunities for Women and Men was introduced in 2002.

### **Civil society actors**

As already mentioned in the introduction, Slovenia had a flourishing civil society movement in the 1980s and among the existing groups there was a perceptible share of feminist initiatives. Their establishment was brought about by the criticism of the working women's emancipation model and introduced new themes and frames such as women's rights, problematic relations between private, public and political spheres, the participation of women in politics, the position of women in families, media and representations of women in school-books, the right to free choice and sexual orientation and especially the issue of violence against women - which all aimed at political emancipation (Jalušič, 2002). With the independence in 1991, war in parts of former Yugoslavia (1991-1999), and the post-socialist development, these groups helped to retain a consciousness about the importance of gender equality for every society and were active in the retention (and re-establishment) of the policy machinery for gender equality. As already mentioned, they fought for the protection of constitutional reproductive rights, against the neo-liberal path of abolishing the socialist welfare (similar to the trade unions), and for the importance of a new post-socialist feminist agenda in the fields of gender based violence, political participation, and the new global issues such as racial and ethnic discrimination and migration.

The Women for Politics group, established in 1991, but emerging from the new women's movements in the eighties, was among the most important politically oriented actors and amongst those who initiated the re-establishment of gender equality machinery – first the Commission for Women's Politics at the Assembly of the newly formed state of Slovenia. The Commission was presided by a member of a group and an elected member of Parliament, and included several civil society members. It played a very important role in the fight to preserve reproductive rights and in establishing the governmental Office for Women's Politics. It meant an important shift in the feminist movement's stance – from the rejection of participation with the (one-party) state to the willingness to contribute to the policy making processes. The group however ceased to exist after the consolidation of the party system.

The organizations fighting against gender based violence were another important set of agenda setting groups, among them Association SOS Hotline for Women and Children Victims of Violence – a group that emerged under socialism at the end of the eighties and still operates – and Association against Violent Communication. They firstly contributed a great deal to the visibility of and public attention to the issue of domestic violence, as well as

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<sup>75</sup> This is how the term »gender mainstreaming« has been translated into Slovene language. However, at least in our opinion, there exists a misunderstanding in the translation of the term as gender mainstreaming in fact means integration of gender equality into all areas of life and not integration of the »principle« of gender equality (which applies only to the legislative procedure).

to the introduction of feminist and gender awareness principles into the process of dealing with the victims and perpetrators of gender based violence and with society in general (see more on this in the section on gender based violence). They initiated establishment of the first safe houses and regularly cooperated in policy making processes regarding the issue (see the section on gender based violence issue). There were also organizations promoting peace in former Yugoslavia and working with the refugees, among them Women's Initiative/Iniziativa delle Donne in Koper (the only feminist group existing outside the capital) and Women in Black.

Lesbian and gay initiatives (among them the lesbian group Škuc LL, LGBT youth organization Legebitra, Association for the integration of homosexuality) were among the most active post-socialist civil society political activist groups. Having their roots in the eighties as well, they represented the most self-conscious and, in terms of numbers of activists, represented a growing continuation of the social movement's tradition, including regular public rallies and activities that made the issue of homosexual life an important public issue. Despite the inadequate act on homosexual partnership (Registration of Same-Sex partnership Act) adopted by the government in 2005, they also successfully used the EU accession process and directives as a legitimization of their claims for equal treatment in some areas, such as employment and intimate citizenship.

Organizations dealing with mental health and the psychological well-being of women, and also some artists' and scholars' initiatives, were those that brought an intersectional approach to the issues of femininity, intimacy, sexuality, body, and disability. They were basically active in the area of mental health, eating disorders, and artist practices – groups like the Women's Counselling Service and Women's Centre Metelkova- but also the Women's politics Office, establishing an independent annual international festival Association "City of Women" (bringing into the public space many cultural, artistic and political gender issues). Besides that, some gender studies departments and publications (like the feminist journal Delta) were continuously dealing with these issues as well. All these themes and groups have been present since the end of the nineties and they were important both in the sense of awareness raising and in the sense of providing a framework for women's intellectual engagement.

Several groups, individuals, scholars and institutions nowadays work with the issues where intersections of gender, race, ethnicity and sexuality emerge – including the Peace Institute, Legal Information Centre of the Non-governmental Organizations, a newly established Association Vita activa and partly also working groups within the Centre for the Non-governmental Organizations (established by the Government and NGO groups as a partner in the civil dialogue at the beginning of the 21<sup>st</sup> century).

Oriented toward the narrower political field, a civil society initiative named Coalition for the implementation of balanced representation of women and men in public and political decision-making was established at the beginning of 2001. It consisted of representatives of NGOs, trade unions and also political parties and governmental bodies and it continued to

promote the issue of women's participation in politics, up until then rather an expert and party political issue. It has set itself a single goal: to overcome substantial under-representation of women in bodies of political power by introduction of quotas in elections. The goal was partly reached in 2004 when their proposal for the amendment of the Constitution (in order to allow for quotas) was adopted by the National assembly.

Last but not least, in 2007, a Slovenian section of EWL was finally established as well and it immediately engaged in several public campaigns (including the European campaign against domestic violence) and in drafting a shadow CEDAW report.

### **Major shifts**

If taking into account the situation after the transition and if speaking in terms of policy changes in the field of gender+ equality policies in Slovenia one could speak about the following shifts: the main two changes in the developments before and after the Quing period (1995) were the establishment of the new state in 1991 with all its consequences and the EU accession process and adoption of the European legal system. While the legislature was quick in adopting new legislation and in harmonizing it with the EU standards, there also existed an immense backlash potential in terms of resistance against any remains of the socialist legacy, and thus the steering between the Scylla of EU accession process and Charybdis of socialist legacy was not easy for any gender equality policy making initiative. The balancing of the former legacy against the new possible gains was not easy at all and the case of the abortion legislation in 1991 was the crucial test in this regard. The early start of the establishment of the national machinery in 1992 (and with the relative influence of some feminist groups and individuals) and the retention of certain socialist gender equality patterns and traditions was an important first policy making step of the transition.

The fight for participation of women in politics which started in mid 1995 and was supported by some party women's groups and civil society actors and continued with the initiative of the Coalition for the implementation of balanced representation of women and men in public and political decision-making at the beginning of 2001 was the second important shift and it brought about awareness of the importance of women's participation in politics (though rather in terms of numbers).

The campaigns and actions (also internationally stimulated) against gender based violence and the changes in the legislation to adopt measures that are not only protective toward the victims but affect perpetrators as well, were important achievements of both feminist initiatives and expert circles.

The adoption of the Equal Opportunities Act in 2002 was a result of a long term reflection on the side of civil society and gender machinery actors and expressed also a need to make a step further; from formal guaranteed principles of equality and equal treatment, to substantive equality and gender mainstreaming. It has also been partly a result of a pilot gender mainstreaming project experience described above (1997).

LGBT and other intimate citizenship issues which emerged on the post-socialist agenda and brought about many new questions and dilemmas also contributed to the inclusion of the Slovenian political space and debates into the most troubled European controversies and divisions.

The attempts to abolish the national machinery for gender equality under the excuse of rationalization of public governance (first renaming of the Commission for Women's Politics into the Commission for Equal Opportunities and then its abolishment i.e. integration into the Committee of Internal Policy; the attempt to abolish and then renaming of the Office for Women's politics into the Office for Equal Opportunities and enlarging of its work range and responsibility to other inequalities without substantially rethinking its mission, competences, and conceptual issues (see above)) represent a serious backlash in the beginning of 21<sup>st</sup> century. The process took place in spite of the adoption of important legislation (Equal Opportunities Act) at almost the same time.

The recognition of the importance of the intersections of race, ethnicity and gender – at least in some civil society circles – and the pressure of the EU to adopt legislation in this regard has had important effects on the possibility of common actions, debates and policy regulations of these issues. The institutional solutions and changes in this regard, however, do not seem to be adequate. There is still a question of how the Equal Opportunities Act and Implementation of the Principle of Equal Treatment Act relate to each other and whether they really supplement each other or whether there are competing principles in question.

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## 2. Non-employment

The sub-issues, most important for the Quing project within the non-employment issue are:

1. **Reconciliation of work and family life.** There have been policies and legal acts adopted promoting family friendly companies, men's inclusion into the private/domestic sphere (and vice versa), introducing paternity leave and part-time working and keeping the system of public child-care services, a heritage of socialist times, in place.
2. **Care work and informal work.** Similar to the previous section, there are policies and legal acts adopted on maternity and paternity leave, the public and private child-care system, health insurance and similar. However, care for elderly people is not addressed to the same extent. Sub-issues of reconciliation and care are often intertwined in policy documents.
3. **Equal pay and gender pay gap.** The topic is on public agenda and embedded in legislation, however there is still an 8% gap (2007) in wages between men and women.
4. **Tax-benefit policies.** There have been policies and legal acts adopted in relation to pensions (pension reform) and the disability insurance system.
5. **Access to the labour market.** There have been policies and legal acts adopted promoting inclusion of women (including victims of violence), Roma people, disabled people, (to a certain extent) immigrants and asylum-seekers, older workers (especially women), and less-educated and long-term unemployed persons (including effects of structural unemployment) into the labour market.

Article 49 of the Slovene Constitution states that freedom of work is guaranteed to all citizens, that each person has the right to freely choose his/her employment, and that there shall be no unjust discrimination in employment opportunities available to each person. However the realities of employment politics in Slovenia are somewhat different.

At the beginning of the nineties, the change in the political and economic system caused huge upheavals in the economic system. The former Yugoslav markets were gone, the economy before independence was poorly run and the introduction of the market economy all contributed to the fact that many companies went bankrupt or were reorganized and that caused a rapid increase in the number of unemployed. The unemployment rate became one of the most critical problems the government had to face in the beginning of the nineties.

A new trend was set: the employers began hiring people mostly for temporary employment. This significantly reduced the possibilities for the less educated and less flexible category of jobseekers of finding employment, in particular full-time employment.

For these reasons, the Ministry of Labour, Family and Social Affairs drafted the Programme of Active Employment Policy Measures. The programme, which is prepared annually, has

been carried out since 1991, although, as Svetlik in Batič (2003) writes, such measures were constructed in the eighties, but the need for their implementation came only in the nineties with the increase in unemployment. The measures enabled many unemployed people to obtain at least the minimum funds for living and to stay active. The programme also stimulates people to become self-employed, and to acquire new knowledge and skills needed for employment.

Important tasks are carried out by the National Employment Office, which was established in 1990. The Office submits information on vacant posts to all registered unemployed persons, and provides assistance in the form of forwarding jobs, and through inclusion in active employment policy programmes and jobseekers' clubs. All persons registered with the Office are obliged to seek employment actively, to apply for vacant positions and to participate in the active employment policy programmes. These include: education and training, co-financing of part of the costs for re-qualification and qualification, reimbursement of contributions to employers if they employ new workers, especially those who are not easy to employ, first-time jobseekers, people who have been unemployed for more than two years and recipients of social security funds who participate in passive forms of employment programme. The programmes also include the promotion of self-employment, employment training of disabled persons and the subsidizing of companies which employ disabled persons, and public works, which provide many unemployed persons with minimum social security.

An important shift in gender equality and (non)-employment came in 2002 with the adoption of the Equal Opportunities for Woman and Men Act. The Act introduced several measures in pursuing the goal of promoting gender equality in the fields in which there is imbalance in the representation of women and men or where they are in an unequal position. In accordance with Article 8 of the Act, positive measures may be adopted in different fields, among them employment is explicitly mentioned. The introduction of positive measures in forms of action plans must be submitted to the Office for Equal Opportunities for their approval prior to the commencement of the implementation of positive measures. According to the representatives of the Office, this is now a well-established practice.

### ***Access to the labour market***

As to the access to the labour market, the social and employment policies and legislation adopted in recent years and the emerging new jobs and employment opportunities appear as a healing formula for many of the troubles hampering Slovenia: social exclusion and non-recognition of Roma people and refugees, disabled people, older people, young unemployed people, single parents, victims of violence and drop-outs from school. While the level of employed women in Slovenia remained relatively high – also due to the socialist heritage – their access to the labour market is often limited. In his annual report in 1997, the Human Rights Ombudsman pointed to the pressing problem of women being pressured to sign the *bianco* resignation form in case they get pregnant. Women's non-governmental organizations

often pointed to the same problem. Although demanding to sign a *bianco* resignation form is illegal, women do sign such forms (and don't report the violation) in order to get or keep their jobs. In 2005 the amendments to the Employment and Insurance against Unemployment Act introduced the reimbursement of expenses to those employers who employ an unemployed person for the period of women's absence from work due to her maternity leave. With this provision the government responded to the increasingly obvious discrimination which young women in Slovenia experienced in the labour market due to their potential or actual motherhood.

The most important shifts in connection with access to the labour market are directly related to the social and employment policies adopted in Slovenia. As mentioned already in the introduction, the Employment and Insurance Against Unemployment Act, which was adopted in 1991, introduces several measures for the active politics of employment. Such measures were needed due to the fact that the number of unemployed people had been continuously increasing in the first years after the independence and the change of the economic system (market economy). The most noticeable measures the Act introduced (and had a certain effect on easing the harsh circumstances that took place after a socialist period when nearly everyone was employed) were: "public works", work funds, and the subsidized (or free) education of unemployed people. The Act also introduced several ways for employers to financially benefit if they employ an unemployed person (such as reduction of taxes). The Act was amended in 1992, 1993, 1994, 2002 and 2006.

Another important shift, which was stimulated by the EU directive on non-discrimination in employment, came in 2002 with the amendment of the Employment Relationship Act. Among others it has provisions on prohibition of direct or indirect discrimination on the grounds of gender, race, color of the skin, age, health status, disability, religious, political or other beliefs, membership in trade union, national or social origin, family status, property status, sexual orientation or any other personal circumstances in job-seeking, employment, promotion, vocational training and pre-qualification. The Act served for numerous governmental and non-governmental projects which aimed at promoting non-discrimination at work (for example EQUAL projects). Trade unions took an active part in these endeavors.

Yet another shift is connected to the Programme of Reforms for the Implementation of the Lisbon strategy adopted in 2005 in accordance with the EU policies. The programme explicitly sets the ground for the integration of excluded social groups in terms of their integration into the labour market. In the past two years such provisions (the integration of excluded social groups to the labour market) can be traced in the amendments to the Employment and Work of Aliens Act (2006), amendments to the Vocational Rehabilitation and Employment of Disabled Persons Act (2005 and 2006), Asylum Act (2006), and Roma Community Act (2007).

Although one could list several disputes and controversies in connection to the access to the labour market (the traditional notions that Roma people are lazy and uneducated, the fear that foreigners will take over "our" jobs etc.), it can be said that EU directives and policies are

the most efficient and influential in this area (out of all three main issues discussed in this report). All three crucial Acts which influence gender+ equality policies in employment (Employment Relationship Act, Equal Opportunities for Woman and Men Act, and Implementation of the Principle of Equal Treatment Act) were adopted under clear EU influence.

### ***Reconciliation of work and family life and care work***

In Slovenia the issue of reconciliation of work and family life is primarily dealt with in the context of child care. The key shift in this issue is therefore connected to the adoption of the Parental Protection and Family Benefit Act in 2001 as a transposition of EU directive 96/34/EC on the framework agreement on parental leave into Slovenian legislature. The Act introduced flexible ways for using parental leave, the paternity leave and the right to shortened working time due to parenthood. The act therefore enables part-time working for one of the parents who is caring for the child, up to the age of three years of the child. Maternity leave compensation (105 days) and compensation for child nursing (260 days) are paid at 100% of the parent's income. During the 15 days of paternity leave, the father has the right to 100% income replacement, while for 75 days the state covers social security contributions based on minimal wage. The latter is the key controversy in the act adopted; the statistics show that while fathers do take advantage of the 15 days of paternity leave which are fully refunded, only a tiny minority uses the remaining 75 days. Child care therefore often remains women's work. The other novelty – part-time work – is also criticized as in practice this option is not equally exercised by both parents. Women are most often those who work part time due to parenthood.

Besides parental compensations some other financial benefits exist for families with children (tax reduction, child allowance, family allowance, allowance for nursing child, assistance for new-born child etc.). It must be noted, however, that the Slovenian social protection system is based on rights related to employment thus excluding non-employed, students, and young parents.

Slovenia has a well developed network of all-day child care centres. This is a legacy of the socialist times when literally all women and men were employed. The high level of employment among women was preserved even after the change of the political and economic system.

While public services continue to represent the most important provider of child-care services, private initiatives present a welcomed addition that is contributing to the diversity of child-care services. Institutional child-care services are available and affordable through a dense network of publicly subsidized public/private providers (Kanjuro-Mrčela 2005: 6). There are also services available for regular and occasional baby-sitting and services providing domestic help. However since these services are mostly available in larger cities and the prices of the services are market-oriented, this help is not accessible to many families.

The major controversies connected to the child care centre network are the opening hours. These did not follow the changing times of working hours in the past decade. The problem has been continuously discussed in the media, however the government did not take any legal action in this regard. In late 2007, the Kindergarten Act is said to be amended and some legal measures in harmonizing the opening times of the child care centres and working time hours are expected.

Another growing problem is care for elderly people. This has not yet been adequately addressed by policymakers, nor has the gendered aspects of insufficient facilities for elderly care been recognized.

### ***Tax-benefit policies***

There are extensive benefit policies adopted in connection to child-care and family (see above).

The key shift in the tax-benefit policies area in Slovenia came in 1998 when the Slovenian government presented a White Paper on the reform of the pension and disability insurance system. The proposed changes affected women more than men, as their retirement age is suggested to be increased by twelve years, while that of men only by seven years. The main dispute in the pension system policy debate is related to abolishing the distinction in retirement age for women and men; according to the legislation before the reform women had lower age criteria for the acquisition and assessment of the rights arising from pension and invalidity insurance. The argument on the side of the Office for women's policy was that women in general do more work in their lifetime (double-shift) and for this reason they deserve different retirement age. This was also one of the arguments which introduced a gender-differentiated system of retirement in socialist times. The different treatment of women and men by the pension system therefore represents compensation for the unequal social position of women and men. It is a sort of reward for the burden that women endure with family and household duties. However, in 1999 the Pension and Invalidity Insurance Act was adopted. It sets the retirement age for women with the same pension period as two years lower than for men with the higher starting calculation percentage for women than for men in order to avoid lower pensions for women. However this issue (and interpretation) is still highly debatable and many suggestions for amendments have been proposed during the years.

### ***Pay gap***

Analyses of the labour market in Slovenia show the existence of gendered vertical and horizontal segregation (Kanjuro Mrčela, Černigoj Sadar, 2004). However, because of the high involvement of women in paid work, similar working patterns of men and women and the high educational level of women, the gender pay gap in Slovenia is among the lowest in EU

countries (8% disparities in wages between men and women in 2007). Until recently, the gender pay gap has not been high on the social partners' agenda, neither has it been much discussed in public. The reasons for the low interest could be found in the long prevalent normative declaration of gender equality (that includes conviction about the non-existence of a gender pay gap due to the legislative postulation of equal pay) combined with a lack of data and statistics. Only in the last decade has some gender disaggregated data on wages been available and according to the experts' opinion this was one of the important positive influences of EU policies. Recently the debate on the gender pay gap appears in public policy documents (such as the National Action Plan on employment) and social partners (mainly trade unions) started to put it on their agenda (Kanjuo Mrčela, 2006, 2).

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## **2.1 Actors**

### Government

Commission for Equal Opportunities Policy  
Commission for the promotion of women in science  
Council of Government for the Implementation of the Principle of Equal Treatment  
Office for Women's Policy / Office for Equal Opportunities  
Ministry of Labour, Family and Social Affairs  
Ministry of Education and Sport  
Ministry of the Economy

### Courts

Constitutional Court  
Labour and social courts

### Trade Unions

The Union of Free Trade Unions of Slovenia  
The Union of Employers of Slovenia

## Civil Society

Peace Institute  
The Roma Union of Slovenia  
Umanotera  
PIC (Legal-information Centre)

### **2.2 Time line**

1995
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#### **Care work and informal work**

The right wing parties initiated a debate on parental leave. They asked for the extension of the right to parental leave from 12 months to 36 months. One of the arguments brought up in the political and public debate on the issue was that the prolonged parental leave will positively effect the level of unemployment in Slovenia, as the women's prolonged absence from the labour market due to maternity/parental leave will not be counted as unemployment. However the ideological reasoning behind the debate was grounded in the promotion of a traditional nuclear family with a clear division of gender and family roles (male bread-winner and female housewife).

The Governmental Office for Women's Politics pointed out that prolonging maternity/parental leave would actually negatively effect women's opportunities in the labour market. The office published a document with arguments of what negative effects the 3-year parental leave could have for women and their employment opportunities.

The debate continued in the following years, but with less intensity. The legal framework of the parental leave changed in 2001.

#### **Access to the labour market**

In November 1995, the Government adopted the Programme of Measures for Assisting the Roma, a group which does not enjoy the status of a national minority in Slovenia, but the status of special ethnic minority. The programme recognized that Roma encounter difficulties particularly in the areas of living standards, education and employment. The programme set grounds for different actions. However, according to the researchers in this field, the Programme of Measures was never implemented.

Primary source:

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3. Kozmik, V. (ed.) 1995. Maternity and parental leave: suggestions, opinions, and viewpoints. Ljubljana: Urad za žensko politiko

1996

### **Care work and informal work**

A Kindergarten Act and Organization and Financing of Education Act are adopted. They set grounds for organizing private kindergartens. Private kindergartens have to acquire concessions for operating. The cost of child-care in public and private kindergartens depends on the type of a programme the child is enrolled in. The amount parents are required to pay for this service is determined by the local authorities on the basis of the personal income per family member and the family's financial means.

### **Access to the labour market**

In 1996, the new Elementary School Act is adopted, which appoints a Roma assistant to the classes with Roma children, and introduces Roma language lessons in elementary school. All such provisions are important as one the reasons for the high unemployment rate among Roma people (according to official statistics, only 2 per cent of Roma are employed and approximately 98 per cent are unemployed and receiving social assistance from the state) is a low level of education.

Primary sources:

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2. Official Gazette RS 12/1996 (29. 2. 1996), Zakon o vrtcih [Kindergarten Act], <http://www.uradni-list.si/1/ulonline.jsp?urlid=199612&dhid=32250>, 12 pages, e-text.
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1997

### **Access to the labour market**

Human Rights Ombudsman issued third annual report. The report pointed to the pressing problem of the limited access of women to the labour market. In the report, women are said

to be pressured to sign the *bianco* resignation form in case they became pregnant. The report also points at problematic job interviews; women are often asked questions about their private life, whether they have children or are planning to have children, their marital status and similar. The analysis of the phone calls made to the hot-line at the Office for Women's Policy similarly revealed such problems faced by women in regard to employment. The discriminatory practice, while unlawful, is widely known and continues to occur.

Primary source:

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1998
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### **Tax-benefit policies**

In 1998 the Slovenian Government presented a White Paper (and later in the year a bill) on the reform of the pension and disability insurance system which was prepared in collaboration with social partners. The proposed changes affected more women than men, as their retirement age is suggested to be increased by twelve years, while that of men only by seven years.

The new pension system consists of three pillars:

- a compulsory contribution level with predetermined and financially evaluated entitlements, which should ensure a basic standard of living for all pensioners;
- a compulsory investment level, where each person would be accumulating a part of his or her pension contributions in a private pension account, which would then be payable in life-long monthly installments;
- a supplementary pension insurance level, which would include a system of voluntary supplementary insurance for those who would wish to receive higher pension benefits on retirement.

Although men and women have the same rights to social security, there is one key exception (conditions for retirement) which was – in the period analyzed – often publicly debated and there seems to be no common agreement upon it. Although the pension reform aims to gradually equalize the conditions for retirement for men and women in the long run, the retirement age for women and men is still different; women have a lower age criteria for the acquisition and assessment of the rights arising from pension and invalidity insurance.

While government agitated for the equalization of the retirement age, the argument on the side of the Office for women's policy (and other women's NGOs) was that women in general do more work in their lifetime (the double-shift!) and for this reason they deserve a different retirement age. This was also one of the arguments which introduced a gender-differentiated system of retirement in socialist times. The different treatment of women and men by the

pension system therefore represents compensation for the unequal social position of women and men, and is some sort of reward for the burden that women endure with family and household duties. However this issue (and interpretation) is highly debatable and many suggestions for amendments have been proposed during the years (as presented in the continuation of the issue history – see further entries).

There were many suggestions made to the proposed reform and the bill on the Pension and Invalidity Insurance Act. Here are some of the proposals formulated by the Women's Policy Office, which were also published in the transcription of the public round-table debate on this issue in 1998 and sum up the argument of those who agitated against equal retirement age:

- Parallel introduction of measures in other areas in order to contribute to the more balanced distribution of work in the family;
- Co-ordination of the dynamics of changes in the pension system by carrying out measures which contribute to the promotion of equality between women and men;
- Slower dynamics of the increase in the retirement age and the reduction in the calculated pension base percentage;
- Lower retirement age (63 instead of 65);
- Lower deductions upon the fulfillment of a specific number of years of active employment (for example, 35 or 40).

Primary source:

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2. Parliamentary session, continuation of the 7<sup>th</sup> session, 12. December 1997, [http://www2.gov.si/zak/arhiv/sej\\_zap2.nsf/5ce30dec5bfc5beac12566160032e0dd/92d726c1de77fd85c1256570002d978d?OpenDocument](http://www2.gov.si/zak/arhiv/sej_zap2.nsf/5ce30dec5bfc5beac12566160032e0dd/92d726c1de77fd85c1256570002d978d?OpenDocument), 13 pages, e-text.

Secondary source:

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1999
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### **Reconciliation of work and family life**

In 1999 an extensive debate on parental and maternity leave and reconciliation of family and work life started due to the preparation of the Parental Protection and Family Benefit Act, which was adopted two years later. The preparation of the bill was influenced by the EU directive 96/34/EC on the framework agreement on parental leave. While the Ministry of family, work and social affairs was entitled to prepare the bill, the Office for Women's Politics also took an active role in the preparation of the new legislature. Following the example of

some European countries and taking into account EU legislation, the Office, among other things, proposed the following:

- The right to leave (maternity, paternity and parental) should remain a right arising from work, but should, under specific conditions, be introduced as a benefit within family policy measures (this means that mothers who do not have employee status, i.e. students, farmers and unemployed women should be entitled to a financial allowance);
- A leave schedule should be introduced which would stress the individuality of the rights of the mother and the father; this should include maternity leave intended exclusively for mothers, paternity leave intended exclusively for fathers, and parental leave which can be used by both parents by agreement;
- Introduction of measures which will more effectively ensure the reconciliation of family and professional obligations of women and men, including flexible forms of using leave.

The debate continued in the following years. See further entries.

### **Tax-benefit policies**

In 1999 Pension and Invalidity Insurance Act is adopted. It sets different retirement ages for men and women. The retirement age for women with the same pensionable period is two years lower than for men. Women may thus retire if they fulfill 20 years pensionable period at 61, and men at 63; on completion of at least 15 years pensionable period, women may retire at 63 and men at 65. Both women and men may retire at the same age of 58 years, but in that case a pensionable period two-years lower is defined for women – 38 years for women and 40 years for men. In order that the different retirement conditions do not indirectly discriminate against women, the starting calculation percentage (for a 15 year pensionable period) for women is higher (38%) than for men (35%). Equality is thus achieved in the level of calculated percentage pension, since both women and men at the age of 58 with a 38 or 40 years period of work receive a pension at a level of 72.5% of the calculated basis.

The interpretation on non-discrimination of women by the different retirement age is, however, contested in the following years. The Association of free trade unions (Zveza svobodnih sindikatov) argued in 2001 that women, if they retire when they are 58 years of age, receive a lower pension which is paid from the supplementary pension insurance level (third pillar). The Act is based on the assumption that women live longer (and therefore the monthly installments are lower), while the Association of free trade unions claimed the opposite. They said that the Act is based on the statistics of live expectancy (which is higher for women), while the data on how long men and women receive pension show that the Government's assumptions are wrong.

### **Access to the labour market**

In 1999 the Resolution on immigration policies is adopted, setting grounds for the integration of aliens in Slovenian society. As stated by Romana Bešter, the "Resolution introduces

pluralistic (multicultural) model of Slovenian international politics. This model is supposed to enable inclusion of migrants on equal grounds into Slovenian society, while at the same time their cultural identity is preserved.” (p. 13). These grounds are not changed in the second Resolution on migration, adopted in 2002. On the basis of this resolution, the Aliens Act is adopted the same year (and amended in 2002, 2005 and 2006). Among other issues, the Act defines who is eligible to obtain the residence permit, which is the pre-condition for obtaining a work permit (as defined in the Employment and Work of Aliens Act).

In 1999 the Asylum Act is adopted. While it does not grant the right to work to asylum seekers, refugees and their family members are allowed to work on the same grounds as citizens of Slovenia as soon as they obtain the status of a refugee (Article 54). According to the Article 43, asylum seekers have the right to temporary work (a few hours per week).

In the preparation of both above mentioned Acts civil society actors played a crucial role in trying to keep the “level of human rights” of asylum seekers and immigrants as high as possible. Among the most active civil society actors were the Peace Institute, PIC (Legal information Centre) and Amnesty International.

#### Primary Source:

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2000

### **Access to the labour market**

In 2000 the Programme for combating poverty and social exclusion is adopted. The Programme is drafted by the government in order to overcome partial dealings of such a multi-level problem. Based on the analysis from various ministries, the Programme suggests to

- enable more people access to the labour market, which should then assure social security;
- reduce the number of drop-outs from the school and foster suitable expert knowledge;
- increase the number of social and non-profit apartments and introduction of state-subsidized rents;
- raise the social benefits to those who are in need of them, but with measures to ensure that these benefits are a short-term solution.

In the same year the Employment and Work of Aliens Act is adopted. Among others the Act deals with issues of employment of aliens, refugees, stateless persons, migrants etc. In Article 5 it defines that government shall annually determine the quota of work permits through which it shall restrict the number of aliens on the labour market. Article 6 defines the following categories of aliens who shall enjoy priority in the issuing of new work permits (aliens who are issued with a work permit irrespective of the situation and conditions on the labour market):

- immediate family members of Slovenian citizens and of aliens who are in possession of a permit for residence in the Republic of Slovenia;
- aliens who have acquired professional education in the area of jobs for which there is a shortage of workers;
- migrant workers from neighbouring countries.

#### Primary Sources:

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2001
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### **Reconciliation of work and family life**

In October 2001 the National Assembly adopted the National Programme on the Development of Labour Market and Employment by 2006. The programme is aimed at enabling equal opportunities for men and women in the labour market as well as the reconciliation of professional and family life. The main goals of the National programme are:

- increasing equal opportunities for employment;
- special support for women in founding their own companies;
- ensuring an increased participation of women in programme of education and training;
- reduction of pay gaps;
- eliminating all forms of discrimination in job seeking and Access to the labour market;
- retaining and promotion of access to rights and benefits from employment.

The said programme is the first concrete consideration on the side of the government on the topic of reconciliation which has become a pressing problem due to prolongation of the working hours in the nineties. On the basis of this document, every year an action plan for employment and active employment policy programmes are adopted. However it needs to be noted that questions of reconciliation were addressed earlier – as early as in the seventies with the introduction of the child day care centres etc. – but not under the name of reconciliation. Therefore the EU directives and recommendations on reconciliation of work and family life did not bring anything new, but they did introduce a new concept and legally binding measures for its implementation.

### **Care work and informal work**

In November 2001, the Parental Protection and Family Benefit Act was adopted. The Act was prepared by the Ministry of Family, Work and Social Affairs. It was directly influenced by the EU directive 96/34/EC on the framework agreement on parental leave and indirectly by numerous admonitions of feminists, women's organizations and Office for equal opportunities regarding men not being sufficiently included in the private sphere and care work. The Act regulates parental leave, parental benefit and the right to shortened working time because of parenthood. The Act introduced flexible ways for using parental leave, and in such a way that men are encouraged to participate in care for children in a more extensive way. The act also

enables part-time working for one of the parents who is caring for the child, up to the child reaches the age of three years.

The maternity leave lasts for 105 days. Only women are entitled to it – it starts one month before the birth of the child with the rest directly after the birth. Parental leave can be used by mother or father of the child, the only condition is that they have to submit a written agreement about the use of the leave 30 days before the expiration of maternity leave (the agreement has to be submitted to the Centre for social work together with the request for asserting the right; they also have to inform both employers). The leave can be used in a form of full or partial absence from work. It can be used only by one parent at the time (with some exceptions). The compensation for full time absence from work is 100%.

The essential innovation, introduced by the Act, is the non-transferable father's right to paternity leave. The right was introduced gradually: In 2003, fathers could take 15 days of paternity leave, in 2004 the right was extended to 45 days. Since 1 January 2005, this right has been granted for the period of 90 days. The first 15 days of the paternity leave must be taken in the form of full-absence from work during the period of maternity leave. The remaining 75 days should be used before the child reaches 8 years of age. In 2006 this provision is changed: the remaining 75 days needs to be used before the child reaches 3 years of age. During the first 15 days of the paternity leave, a father is entitled to parental allowance, while for the remaining 75 days a father is entitled to social security contribution based on the minimum wage in Slovenia. The latter is the major drawback of the provision on paternity leave.

There were no major disagreements in regard to the paternity leave in the public and political discourse. It can be said that the relative disinterest in the topic of paternal leave is particularly striking as paternal leave constitutes an almost revolutionary novelty in the history of Slovenian family policy and as such should be accorded appropriate attention, especially as its effects in practice could be highly political. The Law in fact encourages men to take paternal leave. This should be – among others – accorded to the numerous supporting actions on the side of non-governmental organizations and Office for equal opportunities. One such programme was carried out in 2001 (Phare-Twinning project), aiming at establishing the right to paternity leave and the option of sharing the leave for child-care among both partners. In the following years similar projects were carried out (for example: "Fathers, activate yourself" action).

Another innovation the Act introduced was the possibility of the so called "credit". If the parent or other person does not use the childcare leave to the extent to which he or she is entitled, the remaining part of the childcare leave may be used in the form of a credit, which can be used for the purpose of paying for childcare, payment of rent for accommodation and for meeting housing needs. The level of credit is the same as the level of unpaid benefit for childcare, but a maximum of 5 times the appropriate monthly benefit for childcare leave. However this option is withdrawn with the 2006 amendments to the Act. It was explained that child-care cannot be substituted with material means (such as credit). The law should

stimulate parents to care for children, rather than giving them an option to exchange the care for credit. The latter was the government's argument.

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2002
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### **Reconciliation of work and family life**

In 2002 the Employment Relationships Act was adopted. The law was drafted in accordance to the EU directive on non-discrimination at employment, which also stimulated the adoption of such an Act. The Office for Equal opportunities, trade unions (especially the Association of free trade unions of Slovenia) and some non-governmental organizations took an active part in commenting and amending the proposed bill (the latter mostly in connection to the non-discriminatory part). Most of their suggestions, aimed at doing away with both direct and indirect discrimination in the area of employment, were accepted. The Act therefore places special emphasis on equality between women and men in the area of employment and in the workplace.

The Employment Relationships Act devotes particular attention to the protection of pregnancy and parenthood. In connection to this, an employer must enable workers easier reconciliation of family and professional obligations. The employer is therefore obliged to facilitate reconciliation of professional and family life, including flexible working arrangements.

### **Equal pay and gender pay gap**

A special provision on equal pay for work of equal value is included in the Employment and Insurance Against Unemployment Act, adopted in 2002. It places special emphasis on the principle of equal pay irrespective of sex and on work of equal value (Article 106), and therefore follows a number of initiatives by international organizations and puts into practice some of the conventions of the International Labour Organization.

### **Access to the labour market**

As mentioned above (see Reconciliation of work and family work for 2002) the Employment Relationships Act was adopted in 2002. Among others it has provisions on prohibition of direct and indirect discrimination on the grounds of gender, race, color of the skin, age, health status, disability, religious, political or other beliefs, membership in trade union, national or social origin, family status, property status, sexual orientation or any other personal circumstances in job-seeking, employment, promotion, vocational training and pre-qualification. If a candidate or a worker in the event of dispute cites facts that justify the suspicion that there has been a violation of the prohibition of discrimination because of

circumstances stated in the article, the burden of proof (that different treatment is justified by the type and nature of the work) lies with the employer.

The act also introduces:

- Provisions on equal pay for the same work or work of the same value. The employer is bound to pay the same salary to a worker, regardless of gender.
- Prohibition of and protection from sexual harassment
- Protection of pregnancy and parenting
- Obligation of employer to facilitate reconciliation of professional and family life, including flexible working arrangements.

The Act also determines that an employer may not advertise a job only for men or only for women, unless specific sex is an essential condition for performing the work.

In 2002 new Resolution on migration policies is also adopted. However, it keeps the model of multicultural integration as introduced in the Resolution in 1999.

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2003
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### **Reconciliation of work and family life**

The amendments to the Parental Protection and Family Benefits Act introduced a parental right to part-time work until the child reaches three years of age. According to Kanjuo Mrčela and Černigoj Sadar (2004) 3 to 4 percent of parents take up the right to part-time work, 90% of them are women.

Until recently collective bargaining did not pay specific attention to reconciliation policies in collective agreements. However, in September 2003 the biggest trade union – The Association of the Free trade Unions of Slovenia (ZSSS – Zveza Svobodnih Sindikatov Slovenije) which has had an active committee for equal opportunities since 2001, organized a preparatory conference for the integration of equal opportunities into collective bargaining. One of the themes at the conference was balancing family and work responsibilities. The other two were professional advancement of women and sexual harassment and dignity at the work place. Based on the work and conclusions of the conference, equal opportunities proposals were prepared and accepted by the presidency of ZSSS (Kanjuc-Mrčela 2005, 26).

### **Care work and informal work**

In addition to Parental Protection Act and Employment Relationship Act (see above), Rules on protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding are adopted. These provisions bind the employer to perform a risk assessment with respect to the nature, degree and duration of exposure as well as the nature and degree of risk to injury and health damage, and to set up and implement appropriate safety measures for all work posing the risk to exposure to agents which may affect the health of pregnant workers or workers who have recently given birth and who are breastfeeding. Women who have given birth have the right to paid time off for preventive medical examinations with respect to pregnancy, childbirth and breastfeeding, if such examinations cannot take place outside of working hours.

### **Equal pay and gender pay gap**

In the Social Agreement for the Period 2003 – 2005, equal opportunities are particularly identified among the tasks of social partners, among them reduction of segregation in pay is mentioned. The same provision is included also in the Social Agreement for the Period 2006-2008.

### **Access to the labour market**

In the Social Agreement for the Period 2003 – 2005, equal opportunities are particularly identified among the tasks of social partners. The tasks of the Government include developing measures for preventing, detecting and eliminating direct discrimination of women and men in the labour market, providing special support to women in establishing their own companies, reduction of inequalities in incomes, encouraging companies to pay special attention to families with dependant family members (children, the elderly and other needy members), adopting measures for encouraging fathers to take up paternity leave and for distribution of the child care leave between both parents, as well as for even distribution of absence from work due to taking care of a sick family member, and the reconciliation of professional and family life.

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Secondary source:

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2004
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### **Equal pay and gender pay gap**

The annual Action programme for employment is adopted. Since 2004, all programmes of active employment policy have been integrating measures on gender equality through a horizontal approach. This means that within each measure there is a specified proportion of women who must be included. Women are also considered to be within the group of more difficult to employ persons, to whom special attention is devoted.

In April 2004 the Presidency of Association of Free Trade Unions of Slovenia (ZSSS) accepted the Action plan for support and creation of equal opportunities of women and men, which among other issues tackles the gender pay gap and its elimination. One of the provisions deals with the gender pay gap, demanding the inclusion of gender disaggregated statistical data on wages and professional advancement (Kanjuro Mrčela 2006).

### **Access to the labour market**

Analyses of poverty and social exclusion show that certain groups of handicapped, young unemployed, Roma, single-parent family members, victims of violence and older people face

the highest risk of poverty and social exclusion in Slovenia. In 2004 several provisions were adopted in order to establish better social inclusion of these groups, starting with the National programme for social inclusion 2004 – 2006. However, according to some research (Leskošek, 2005) with the change of the government in 2004, social rights and benefits became more and more restricted.

The Vocational Rehabilitation and Employment of Disabled Persons Act is adopted in 2004 (and amended in 2005 and 2006). The Act responded to the analysis of the structure of the unemployed people, which showed that the level of unemployment is 20% higher among disabled people compared to other unemployed people. For this reason the act introduced new solutions for the employment of disabled people such as subventions of salaries, definitions of appropriate work areas for disabled people, the protection of disabled people in special centres where harder to employ disabled people are working and quotas for disabled people (Employers are obliged to employ a disabled person for every 20 full-time employed persons in a company.)

As part of the Equal initiative the pilot project of the Roma employment centre started in 2004. The aim of the centre is to connect those employers who are willing to employ Roma people. The project is also aiming at preparing suggestions for amendment of employment legislature dealing with Roma people.

In addition to the Article 25 of the Employment Relationship Act, which prohibits gender discrimination in advertising for jobs, the Office for Equal Opportunities ran an extensive awareness-raising campaign on employment advertisements, aimed at the Employment Office, employers, student work brokerage services and printed media. They also conducted an analysis of job advertisements before and after the campaign in three major daily newspapers. Before the awareness-raising campaign, the regulatory provision on advertising jobs was violated in 74% of advertisements, while after the campaign the share of violations dropped to 47%.

Primary source:

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[http://www.zsss.si/images/stories/PDF%20socialna%20varnost/akcijski\\_nacrt\\_ZSSS\\_2004\\_-2007.pdf](http://www.zsss.si/images/stories/PDF%20socialna%20varnost/akcijski_nacrt_ZSSS_2004_-2007.pdf), 3 pages, e-text.

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4. Kanjuo Mrčela, Aleksandra 2006: The gender pay gap in Slovenia. External report commissioned by and presented to the EU DG Employment and Social Affairs, Unit G1 "Equality between women and men". Faculty for Social Sciences, Ljubljana.

2005
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### **Reconciliation of work and family life**

In October 2005 the Programme of reform for the implementation of the Lisbon strategy in Slovenia is adopted. The programme includes several gender equality measures. Among others it sets priority provisions on equal opportunities of men and women in employment, measures for unemployed and inactive people, prevention of discrimination in the labour market and reconciliation of work and family life. In regard to the latter, the government obliged – among others – to:

- support special programmes aiming at reconciliation of work and family life
- stimulate employers to enable such reconciliation (for example, through the flexibilization of working hours)
- support research in this field
- start a competition for family-friendly companies
- develop programmes for child-care, which would fit the need of employees
- develop programmes for the care of elderly people, which would fit the needs of employees.

### **Care work and informal work**

The amendment to Employment and Insurance Against Unemployment Act introduced the reimbursement of expenses to those employers who employ an unemployed person for the period of women's absence from work due to her maternity leave.

In 2005 a unique development partnership programme The System of Household Assistance started in Slovenia. The programme, run by the Peace Institute within the EU Equal Programme, suggests that the burdens of (un)paid reproductive work cannot be regarded as a mere private concern for women, rather it is a public issue. The project has focused on

housework and occasional child caring within two target groups: households with small children, who are heavily burdened with reproductive work, and long-term unemployed women, who frequently already do informal paid domestic work to earn a basic means for survival. The project aimed at gender equality in the labour market, reconciliation of work and family life and primarily at offering employment opportunities to harder to employ groups of people.

### **Equal pay and gender pay gap**

The ZSSS send a letter to all sector trade unions in May 2005. The letter is an invitation to be especially sensitive to potential reasons/factors regarding the gender pay gap. ZSSS also send a letter to the Statistical office of the Republic of Slovenia to collect information on the gender pay gap (Kanjuo Mrčela 2006).

### **Access to the labour market**

In October 2005 the Programme of reforms for the implementation of the Lisbon strategy is adopted. It deals with many issues connected to gender+ equality, such as equal opportunities of men and women, disabled people, Roma people etc. All these issues are framed within the context of employment. The Programme states that the level of unemployment is decreasing – it is below the EU average. However, the Programme points to two problems: structural unemployment and long-term unemployment – the latter being connected to unqualified older workers.

The Programme states that Slovenia will focus their active politics of employment towards harder to employ people, primarily those aged 55 and more, towards long-term unemployed people and those who are looking for a job for the first time. A special emphasis is put on women (as a group) and those who are beneficiaries of social support.

There are three primary measures specified:

- Special programmes for those who are harder to employ and intensive work with these groups
- Investments into the education of lower qualified workers
- Programmes for employment in the non-profit sector.

The first report on the implementation of the reforms is published next year, in 2006.

At the same time – in October 2005 – a Resolution on the national programme for equal opportunities of men and women 2005-2013 is adopted. The resolution was drafted on the basis of the analysis conducted by the Office for equal opportunities. The strategic document defines policy priorities, objectives and measures for achieving gender equality in different areas: gender mainstreaming, work, knowledge-based society, social welfare, gender relations and decision-making. The Resolution contains the commitments of the Beijing

Declaration and the Platform for Action and conclusions of the 23<sup>rd</sup> Special Session of the General Assembly of the United Nations entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century". For these aims approximately 960.000 euros will be allocated from the national budget. As part of the programme, a periodic plan for the implementation of the resolution was adopted for the years 2006 and 2007. For each two year period priority tasks and goals are defined. The periodic plan therefore defines in detail the necessary means for the implementation of tasks and activities, time frames and ways of conducting certain activities.

These are the priority goals for the first period (2006-07):

- analysis of discrimination in the work place based on gender;
- the stimulation of employment of women (as part of the active politics of employment);
- the stimulation of programmes which ensures self-employment of women and women's enterprises;
- informing of female employees and others about sexual and other harassment in the work place.

The Government is obliged to regularly submit two-year reports to the National Assembly on the measures and activities carried out under the national programme over the past two years.

Primary Source:

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Secondary source:

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2. Kanjuo Mrčela, Aleksandra 2006: The gender pay gap in Slovenia. External report commissioned by and presented to the EU DG Employment and Social Affairs, Unit G1 "Equality between women and men". Faculty for Social Sciences, Ljubljana.

2006
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### **Reconciliation of work and family life**

In 2006 the competition for Family friendly companies started under the Equal initiative. The project, which is managed by Zavod Ekvilib, is conducted under the European Family Audit license, which was developed by the German organization Beruf und Familie. The same license is being used in Germany, Austria, Italy and Hungary. The first company to start implementing the conditions for Family friendly companies was the Insurance Company Maribor. The first certificates will be imparted in May 2007.

### **Care work and informal work**

An amendment is adopted to the paternity leave provisions in Parental Protection and Family Benefits Act. According to the amendment 75 days of the paternity leave needs to be used before the child reaches 3 years of age (before: 8 years, see 2003).

The argument of the Ministry of Labour, Family and Social Affairs which proposed the change was that children need their father in the early years of their life. The opponents of the proposed change (feminist NGO's) argued that the change is unnecessary. Rather the Act should provide fathers with more days at 100% parental allowance instead of only 15 days; statistics show that fathers tend to take paternity leave if they are fully re-compensated for the absence from work.

### **Access to the labour market**

One of the most important shifting points in regard to asylum seekers access to the labour market was introduced by the amendment of the Asylum Act in 2006. Article 46a defines that asylum seekers may start working after one year of being an asylum seeker in Slovenia if in this period the decision about his or her application is not finalized. The asylum seeker may ask for the 3 month working permit with the possibility of prolonging it.

In 2006 several amendments are adopted to the Employment and Work of Aliens Act. Among the new categories which the Act is dealing with, asylum seekers are now mentioned.

On the basis of this Act and the EU Directive 2004/38/EC on free movement, the Minister of Labour, Family and Social Affairs issues Rules on the manner of determining the right of free access to the labour market with regard to the nationals of the EU and the EEA and their family members. Article 2 determines that the right of free access to the labour market by EU or EEA nationals and family members of EU or EEA nationals, who are not themselves EU Member State or EEA citizens, shall mean that such persons can become employed in the Republic of Slovenia without a work permit. The rules define family members as spouses and unmarried children or any other relatives who, for family reunion reasons, have received a residence permit from a competent body in the Republic of Slovenia. However it is not clear if homosexual partners are included.

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### **Access to the labour market**

The National programme of the active politics of employment is adopted. These are the major challenges in the field of employment and non-employment the Programme is targeting:

- a high level of long-term unemployed people, which increased in the last ten years
- structural unemployment, mostly in connection to the low educational level of unemployed people
- one of the lowest levels of employed older people (55 to 64 years old) within the EU
- relatively high level of unemployment among young people (15 to 22 years old)
- an increasing number of unemployed people with a university education
- an increase in the number of unemployed women.

The Government agreed to deal with these problems through various measurements in the following years. Although not focusing primarily on the issue of employment, similar goals are set in the Operative programme of the development of human resources 2007-2013 adopted in February 2007. The programme introduces special programmes for the elimination of discrimination in employment and education. It also addresses the issue of reconciliation of work life and family.

In March 2007 The Roma Community Act is adopted. The Act received much attention from the general public, mainly in relation to the question whether such an Act introduces special rights for Roma people. The Act defines the right for the organization of Roma people on the local and national levels, the means of financing the organization and similar. The Act also deals with issues of residence conditions of Roma people, their access to education and to the labour market. According to Article 4 Slovenia will pay special attention to employment opportunities for Roma people. It will stimulate vocational trainings and employment of Roma people. Roma organizations, the Peace Institute and the Office for national minorities played an active role in commenting on the bill.

Primary sources:

1. Vlada RS, 2007, Program ukrepov aktivne politike zaposlovanja za obdobje 2007-2013 [The programme of the active politics of employment for 2007-2013], [http://www.ess.gov.si/slo/Dejavnost/Programi/apz\\_2007\\_2013.pdf](http://www.ess.gov.si/slo/Dejavnost/Programi/apz_2007_2013.pdf), 26 pages, e-text.
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### 3. Intimate citizenship

The most important sub-issues for the Quing project within the intimate citizenship issue are:

1. **Reproductive rights.** There have been policies and legal acts adopted about abortion, infertility treatment, artificial insemination and similar.
2. **Partnership.** No major changes have been made to heterosexual partnership relations, while same-sex partnership was at the forefront of public debates and finally also in terms of the legal recognition of such partnerships.
3. **Parenthood and family.**

#### Abortion

The issue of reproductive rights has been on and off political agenda since 1991. The history of the issue is a typical one: right-wing political parties and civil society actors, based on the Roman Catholic Church ideology on life, are agitating against the right to abortion, while left-wing parties and most notably feminist non-governmental organizations (with the support of “liberals”) are trying to preserve the right to abortion which was guaranteed in socialism. (The amended Constitution of the Socialist Republic of Slovenia from 1974 introduced Article 191 which granted the right of women to freely decide about the birth of children.<sup>76</sup>) Such debates usually spring up in connection to demographic policies; estimations that the Slovenian nation is dying out and that Slovenian women should bear more children are often explanatorily connected to the “liberal legislature on abortion”. There were no major shifts in connection to the right to abortion (as this right is still guaranteed), however there were two crucial moments – in 1991 and 2006 – when the question of abortion was at the forefront of political debate.

In 1991, with the introduction of the new Slovenian constitution, the right to abortion was called into question. With the revitalization of the position of the Roman Catholic Church in Slovenian society after independence, the conservative (Catholic) forces within the Parliament agitated against the right to abortion. It was only after the noisy protests on the side of civil society, especially from women's non-governmental organizations, that the right was preserved in the new Slovenian constitution, but with minor changes. While the draft proposal defined the freedom of choice in childbearing as a human right (as it was classified in the previous Constitution), it is now classified as a fundamental freedom. Article 55 states: “Persons shall be free to decide whether to bear children. The State shall ensure that persons have every opportunity to exercise this freedom and shall create such conditions as enable parents to freely choose whether or not to bear children.”

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<sup>76</sup> One of the key figures who agitated for this right was Vida Tomšič, Communist party ideologue on the 'women's question'. As Antič and Vidmar write, 'her expectations of new socialist womanhood were based on the image of an educated woman who participated in the labour force and had equal rights there as well as special right connected to maternity' (Antič, Vidmar, 2006: 299-297). See more on this: Antič, Milica G. and Ksenija H. Vidmar (2006): 'The Construction of Woman's Identity in Socialism: The Case of Slovenia.' In Edith Saurer, Margareth Lanzinger and Elisabeth Frysak (eds.): *Women's Movements: Networks and debates in post-communist countries in the 19th and 20th century*, pp. 291-305. Wien: Boehlau Verlag.

However, Article 55 was kept in the Constitution at the price of eliminating sexual orientation from Article 14, which guarantees equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance. In the first draft of Article 14, sexual orientation was explicitly included in the text. However, the political compromise within the Parliament was that conservatives would not oppose the Article 55 if explicit mentioning of sexual orientation in Article 14 was erased. The liberals agreed to this compromise. Sexual orientation in Article 14 was replaced by “other personal circumstance” meaning to include sexual orientation.

In order to “balance” the right to abortion, which is seen problematic from the conservative (and Catholic) standpoints, Article 53 of the Constitution introduced protection of the family. The article states, that “the State shall protect the family, motherhood, fatherhood, children and young people and shall provide proper conditions for effecting such protection”. This article has often been misinterpreted or abused in public debates aiming at prohibition or limitation of the right to abortion, most notably in 2001 (discussion about artificial insemination) and 2006 (draft proposal for the increase of fertility) – see below.

Soon after the new Constitution (with the notorious article 55) was adopted, the Parliament discussed the amendments to the General Practitioners Services Act, which introduced the right of doctors to conscientious objection. In this way, doctors don't have to perform abortion if such an act is against their beliefs.

According to the Medical Measures Act related to the implementation of the right to birth control, abortions are to be performed until the 10th week of pregnancy exclusively at the demand of the pregnant woman. Abortion at a later stage of pregnancy must be approved by a special committee of doctors and only if it finds that “the termination of pregnancy is less dangerous to the woman or less detrimental to her future child bearing than the danger posed by continuing her present pregnancy until birth” (Article 18). Abortions must be performed in a hospital or in a specially authorized health-care centre (Article 16).

In 2006 the issue of abortion was brought back to the forefront of the political debate, since the Minister of Labour, Family and Social Affairs (from the conservative People's party) presented his Strategy on fertility increase. Among other claims, the Strategy claimed that the number of abortions in Slovenia contributes to the poor demographic image of the nation. For these reasons it was suggested that payment for artificial termination of pregnancy should be on the side of pregnant women rather than state subsidies. An additional measure suggested by the Strategy was the obligatory consultation with a psychologist or social worker before the termination of pregnancy.

The Strategy on fertility increase received extensive critique from civil society. The above mentioned suggestions (payment for abortion and obligatory consultation) were discussed in numerous roundtable discussions and public appeals were made to withdraw the Strategy.

The Strategy was one of the reasons the Minister had to resign a few weeks after the Strategy on fertility increase was presented to the public.

### **Medically assisted insemination and fertility treatment**

In 1977, the Health Measures in Exercising Freedom of Choice in Childbearing Act was adopted. The Act granted the right to artificial insemination to every adult legally competent and healthy woman in the age period suitable for childbirth. In such a way, medically-assisted insemination was legalized also for those women where there was no medical reason for fertility treatment. The first artificial insemination was performed in the same year. Since 1977 the technology on artificial insemination has developed extensively and eventually the Health Measures in Exercising Freedom of Choice in Childbearing Act became outdated and did not address new medical progress in this area. For these reasons (i.e. legal issues), the Committee of genealogists decided to stop performing artificial insemination in 1994.

In order to update the Act and include new medical advancements in the field, the Infertility Treatment and Procedures of Biomedically-Assisted Procreation Act was proposed in 1999. The bill was drafted at the Ministry of Health and the preparations had begun in 1995. Since the very beginning it was the subject of numerous polemical discussions in the National Assembly and in the general public. The bill determined that those entitled to procedures of fertilization with biomedical assistance are only women who are living in wedlock or in an extra-marital heterosexual relationship and need artificial insemination for medical reasons.

Prior to the third parliamentary reading of the bill on Infertility Treatment and Procedures of Biomedically-Assisted Procreation, the Liberal Democrats of Slovenia (LDS) submitted an amendment to the article by which the procedure of fertilization with biomedical assistance was an entitlement of all women. However, it was not adopted as the coalition in the parliament at the time consisted of two right-wing parties. On 20 of July 2000 the Act was adopted. After 24 years the right of all women to artificial insemination was abolished.

After the change of the ruling right-wing coalition back to the left-wing coalition, the parliamentary group LDS submitted amendments to the Infertility Treatment and Procedures of Biomedically-Assisted Procreation Act, adopted earlier that year. The content of the amendments was the same as the content of amendments rejected earlier that year. This time the amended Act was adopted and the right to artificial insemination was again granted to all women.

After the Infertility Treatment and Procedures of Biomedically-Assisted Procreation Act was adopted in 2000, 34 parliamentary members who strongly opposed the amendment asked for a legislative referendum. At the referendum in 2001, the amendment was rejected by Slovenian voters. The right to medically-assisted insemination is now limited to those women who are in medical need and are in a heterosexual relationship.

Civil society played an important role in this debate. In May 2001, before the public referendum took place, the civil society initiative Odbor za svobodno odločanje (Committee for free deciding) was established specifically for the reason of protecting the right of all women to artificial insemination. It consisted of prominent Slovenian academics, researchers, politicians, doctors (gynaecologists), civil society actors, celebrities etc. Ten days after it had been established over 40 civil society organizations had joined the Committee. They organized several round table discussions and started a website svobodna.si (literal meaning: you are free woman), collecting signatures in support of all women having the right to artificial insemination. The Committee's endeavors were accompanied by similar actions from women's, LGBT and similar non-governmental organizations. There were opposing voices from civil society as well: the academic association Pravniki (Lawyer) for example claimed that the right to artificial insemination is not one of the rights inscribed into the Slovenian Constitution. They interpreted Article 55 of the Constitution (free decision on bearing children) as obliging the state to provide a cure (artificial insemination) for those women who cannot have children for medical reasons (and therefore freely decide upon the birth of children). The Church also took an active role in the debate. Slovenska škofovska konferenca (The Bishops' summit) appealed to people to vote against the Act in the public referendum.

One of the key roles in the public debate was given to doctors' opinions on the issue. However, their voice was not united: An expert collegiate body of gynaecologists advanced an opinion that only women in partnership should be given the right to artificial insemination, while the Committee for medical ethics claimed that artificial insemination should be available to everyone.

One of the most heated debates in recent years in Slovenia has focused around questions of normality (of heterosexual couples) and abnormality of all the others, particularly single women and lesbians. As Majda Hrženjak (2001) writes, "the debate placed family above the individual, and medical and legal discourse above the discourses of other scientific disciplines. [...] The main opposition that sparks the debate could be described as an irresolvable position between a 'complete' family and a single woman who presumably poses a colossal threat to the family, and consequently, to society as a whole." In addition, some doctors have claimed that it is against medical ethics to give fertility treatment to single women because a child has the right to a family (defined in a traditional way, the nuclear family) and this right takes precedence over the right of a woman to become a parent.

### **Same-sex partnership**

After continuing public debates on the issue of same-sex partnership in the late nineties and after numerous initiatives from the gay and lesbian movement – the first one in 1993 – to set up a legal framework for same-sex partnership, the Ministry of Labour, Family and Social Affairs established an expert group for preparation of a bill on registered same-sex partnership in 1998.

Although there were two representatives of the gay and lesbian non-governmental organizations in the expert group, the bill the group drafted was very unsatisfactory for gays and lesbians. According to the representatives of the gay and lesbian organizations, it was impossible to draft a better bill since the president of the group – a respected lawyer – insisted on a legal interpretation of marriage, meaning that the right to marriage is designed for heterosexual men and women and therefore it is legally unacceptable to extend the right to marriage to same-sex couples. The bill therefore regulated the formal and material conditions for the registration of same-sex partnership, but it did not regulate the consequences of the registration of a partnership; rather, it includes an instruction to refer to other laws. However, the bill was never sent to the parliamentary discussions and was never adopted.

On the initiative of the lesbian group Škuc LL, a new expert group for drafting a bill on same-sex registered partnership is established at the Ministry of Labour, Family and Social Affairs in late 2001. The Secretary General at the Ministry was dissatisfied with the 1998 bill on registered partnerships, and decided to draft a new one to establish the legal equality of heterosexual and homosexual partnerships, with the exception of adoption rights. A bill on registered partnership, which provided all rights and obligations granted to married heterosexual couples to homosexual couples, with an exception of the right to adoption, was submitted to governmental procedures at the end of 2003. However, when the bill was due to be brought before the Parliament, the procedure was blocked by the Slovene People's party, which argued that "the formation of same-sex partnership is not a human right. Human rights protect the values for which we must strive. Same-sex partnerships are not among them." Even though the party maintains that "society can tolerate same-sex partnerships, it cannot possibly support them in the same manner as heterosexual ones. That would turn out to be suicidal politics." In the course of political events, the People's Party ceased to be a member of the governing coalition (not due to its opinion on same sex partnership) and the ruling coalition reached agreement on the proposed law at the beginning of March 2004. However it was withheld from parliamentary procedures until the very last session of the parliament before the new elections in October 2004. With the change of the government, the bill was rejected from the second and third reading in the Parliament. Instead, the new right-wing government drafted its own bill on registered same-sex partnership.

The bill reduced the rights of homosexual partners to a minimum. The right-wing government was not willing to consider annotations to the bill, submitted by the left wing parties and the gay and lesbian organizations. The legislation was passed on 22 June 2005. It defines the procedure and conditions to register a same-sex partnership, legal consequences of the registration, method of its termination and relations between partners after the termination of the registered same-sex partnership. It gives partners in same-sex relationship a say in each other's medical care and grants limited inheritance rights. No social, pension and similar rights are granted while adoption or parenting rights are not addressed. The debate in the parliament and before was very homophobic. For example, one MP claimed that homosexuality should be healed like alcoholism or kleptomania. Another MP continuously used the offensive term "queers", while one member of the leading party demanded that the

public region of two left wing female MPs, who were agitating for more rights to be included in the bill, should be checked, because he doubted that they were really women. Because of this, the opposition walked out of the Parliament in protest and did not vote on the bill. The LGBT organizations in Slovenia believe that the law is discriminatory. They called for gay and lesbian couples to refrain from registering as domestic partners and not to use the discriminatory legislation. They have already appealed to the Constitutional Court, claiming the law is unconstitutional.

### **Divorce and alimony**

According to the Marriage and Family Relations Act, which was adopted in 1976, divorce is legal. Either one of the partners may file for a divorce, or both partners may do so upon mutual agreement. Although the Marriage and Family Relations Act was amended 11 times since its adoption, the amendments were minor. Most of them introduced provisions in relation to children and maintenance of children after divorce. The adopted changes therefore first and foremost took children's rights into consideration. Another noticeable change was giving more power to the courts (and retaining this power from social services) in deciding who gets custody over children after the divorce (mostly women).

In the judgment by which a court dissolves a marriage, it must also decide on the custody, education and maintenance of all children born in such a marriage. The parent who will in future not live with the child(ren) has the right to personal contact with them, unless the court rules otherwise for the benefit of the child(ren). In most cases, the mother is granted custody of the children and only rarely is custody granted to the father. The other parent (mostly men) has to pay maintenance. One of the pressing problems is that many fathers do not pay maintenance.

In 1999 the Maintenance fund for children is established. It is intended for those children who have been allocated maintenance under a final court ruling, but the person liable to pay maintenance is not paying. It is deemed that a person liable to pay maintenance is defaulting on payment if maintenance has not been paid for three consecutive months or is being paid irregularly. Suggestions for such a fund were made as early as 1994 (by the Office for Women's politics), since the number of children and young people eligible for maintenance in Slovenia was growing due to the growing number of divorces.

The problem of non-payment of maintenance after divorce was becoming increasingly pressing in the nineties and later. For this reason, the Criminal Code was changed in 2004. Article 203 now defines that non-payment of maintenance is a criminal offence. The penalty is one to three years imprisonment. Similar amendments were introduced to the Marriage and Family Relations Act. Articles 81 and 81a in the amended Act more concretely specify the conditions for alimony and for paying maintenance for children and the visiting rights of the parent who is not living with the children.

### **3.1 Actors**

#### Government

Commission for Women's Politics  
Commission for Equal Opportunities Policy  
Committee for Petitions, Human Rights and Equal Opportunities  
Council of Government for the Implementation of the Principle of Equal Treatment  
Office for Women's Politics / Office For Equal Opportunities  
Human Rights Ombudsman  
Council for the protection of Human Rights and Fundamental Freedoms  
Ministry of Labour, Family and Social Affairs  
Ministry of Health

#### Political parties

All parliamentary parties  
Women's forum of Social Democrats  
Committee for Equal Opportunities of Liberal Democrats of Slovenia

#### Courts

Constitutional Court

#### Civil Society and other non-governmental actors

Association SOS Help Line  
Women's Counselling Service  
Association against violent communication  
Women's Centre Metelkova  
Peace Institute  
Lesbian organization Škuc LL  
GLBT youth organization Legebitra  
DIH - Association for the integration of homosexuality  
Association Vita activa  
Academic association Pravniki  
Committee for free deciding  
Expert collegiate body of gynaecologists  
Committee for medical ethics  
Association Ostržek  
Association Podos

### 3.2 Time line

#### Before Quing

1974

#### Reproductive rights

Article 191 of the new Constitution of the Socialist Republic of Slovenia introduced the right of women to freely decide about the birth of children.

1976

#### Divorce, separation, marriage

The Act on Marriage and Family relations is adopted. The Act has been amended several times during the following years, but the basic structure of the Act hasn't changed. It stipulates that the partners in a marital relation have equal rights. However partners cannot be of same sex. Both partners may decide upon surnames. They can both take their partner's surname or keep their own surnames or combine both.

According to the article 12 of the Act, unmarried heterosexual couples enjoy the same legal consequences as married couples (after a certain time of living together – the exact time is not specified). Similarly, children born out of wedlock have the same rights as children born in wedlock.

#### Reproductive rights

The first sperm bank is introduced.

1977

#### Reproductive rights

The Health Measures in Exercising Freedom of Choice in Childbearing Act was adopted. The Act granted the right to artificial insemination to every adult legally competent and healthy woman in the age period suitable for childbirth.

1991

#### Reproductive rights

The new Slovenian constitution is adopted. It preserves the "socialist legacy" on the right of abortion, despite conservative forces within the Parliament which agitated against the right to

abortion. It was only after the noisy protests on the side of civil society, especially from women's non-governmental organizations, that the right was preserved in the new Slovenian constitution

Parliament discussed the amendments to the General practitioners services act, which introduced the right of doctors to conscientious objection. In this way, doctors don't have to perform abortion if such an act is against their beliefs.

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1993
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### **Civil partnership and gay marriage**

First initiative for the adoption of legislation on same-sex partnership appeared. The Women's office suggested that Article 3 of the Marriage and Family Relations Act which defines that "marriage is a legally defined union of a man and a woman" should be changed in a way that two persons of the same sex could get married as well. Their suggestion, which was stimulated by a gay couple who have appealed to the Constitutional Court claiming that

several articles of the Marriage and Family Relations Act are unconstitutional, did not make it to any policy documents or laws.

### **Divorce, separation, marriage**

The Resolution on the Foundations of Family Policy is adopted. It is the basic document on which Slovenian family policy is based. The Resolution defines a family as a living community of parents and children. While Slovenia is no exception in intensification of the pluralisation of family forms and family lifestyles, the Resolution does not reflect this diversity. It is rather aimed at preserving the traditional nuclear family.

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1994
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### **Reproductive rights**

The Committee of gynaecologists decided to stop performing artificial insemination in Slovenia due to the lack of legal definitions on the subject in the outdated Health Measures in Exercising Freedom of Choice in Childbearing Act from the seventies. This was one of the reasons which led to the drafting of a new bill on infertility treatment and procedures of biomedically-assisted procreation in 2000.

### **Quing period**

1998
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### **Civil partnership and gay marriage**

The Ministry of Labour, Family and Social Affairs established an expert group for preparation of a law on homosexual marriages in 1997. Its first meeting was held in February 1998. The expert group was set up after continuous public debates on the issue in the late nineties and numerous initiatives from the gay and lesbian movement – the first one in 1993 – to set up a

legal framework for same-sex partnership. Forming the legal background to the initiative to render equal before the law homosexual couples and life partnerships of men and women were article 14 of the Constitution which prohibits discrimination on the basis of any personal circumstances and article 141 of the Penal Code which explicitly prohibits discrimination due to sexual orientation.

Although there was a representative of gay and lesbian non-governmental organizations in the expert group, the bill the group drafted was very unsatisfactory for gays and lesbians. According to the representative of the gay and lesbian organizations, it was impossible to draft a better bill since one of the members of the group – a respected lawyer – insisted on a legal interpretation that the right to marriage is designed for heterosexual men and women and therefore it is legally unacceptable to extend the right to marriage to same-sex couples. The bill therefore regulated the formal and material conditions for the registration of such a partnership, but it did not regulate the consequences of the registration of a partnership; rather, it includes an instruction to refer to other laws. However, the bill was never sent to the parliamentary discussions and was never adopted.

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1999
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### **Divorce, separation, marriage**

The debate on the right of a child to be in contact with both parents after divorce or separation had been going on with more or less intensity throughout the late nineties and into the 2000's. In 1999 the association Forum za pravice otrok do obeh staršev, the association of fathers who have no or limited contact with their children, initiated a "parliamentary question" on how many children in Slovenia have no contact with "the other parent". The same problem was pointed out in the Ombudsman's annual report for 1999. The report assesses that Centres for social work, which are responsible for finding the best solution for

children after divorce, don't pay any or sufficient attention to the child's own opinion and wishes.

Huge media attention was given to the issue in 2002 when one father claimed that he will burn himself in front of the parliament should he not get the opportunity to be in contact with his child.

In 1999 the Maintenance fund for children is established. It is intended for those children who have been allocated maintenance under a final court ruling, but the person liable to pay maintenance is not paying. It is deemed that a person liable to pay maintenance is defaulting on payment if maintenance has not been paid for three consecutive months or is being paid irregularly.

Suggestions for such a fund were made as early as in 1994 (by the Office for Women's politics), since the number of children and young people eligible for maintenance in Slovenia was growing due to the growing number of divorces. The problem of non-payment of maintenance after divorce was becoming increasingly pressing in the nineties and later and the fund could alleviate the burden of the parent living with the child. Another step forward was made in 2004 when the non-payment of maintenance became a criminal offence according to the amended Criminal Code.

### **Reproductive rights**

The Infertility Treatment and Procedures of Biomedically-Assisted Procreation Act was proposed by 22 parliamentarians in order to include new medical advancements in the field, missing in the outdated Act on artificial insemination from 1977. The bill determined that those entitled to procedures of fertilization with biomedical assistance are only women who are living in wedlock or in an unmarried heterosexual relationship and who need artificial insemination for medical reasons. The bill started an extensive public debate on the issue in the following two years.

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2000
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### **Reproductive rights**

The Infertility Treatment and Procedures of Biomedically-Assisted Procreation Act is adopted. After 24 years the right of all women to artificial insemination was abolished. Only those women who are in a heterosexual partnership are entitled to artificial insemination.

Later that year an amended Act on Infertility Treatment and Procedures of Biomedically-Assisted Procreation is adopted, re-introducing the right of all women to artificial insemination. However, a public referendum on the Act in the following year annulled the access of all women to artificial insemination again.

In 2000 the National programme for health care was adopted. The programme set a special measure aimed at promoting sexual and reproductive health as one of the priority goals. The programme suggested that the goal should be implemented in the following 4 years through a programme for the practice of healthy sex which included sex education, family planning and the prevention of sexually transmitted diseases.

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## Reproductive rights

After the Infertility Treatment and Procedures of Biomedically-Assisted Procreation Act was adopted in 2000, 34 parliamentary members who strongly opposed the amendment to the article asked for the subsequent legislative referendum. At the referendum in 2001 only 35% of voters participated. 72% of people voted against the amendment. The right to medically-assisted insemination is became limited to those women who are in medical need for it and who are in a heterosexual relationship.

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## Reproductive rights

In June 2002 a bill on Health Insurance is submitted to the Parliament. The Article defining the extent of women's rights in connection to pregnancy and family planning which are covered by the compulsory health insurance did not include coverage of costs associated with abortion.

Since it could be concluded that the proposed act envisaged self-payment for such services, the bill was in conflict with the Health Care and Health Insurance Act, under which compulsory health insurance guarantees payment to a specific percentage including artificial termination of pregnancy. In this way, the right to freely decide upon birth of children would be very limited to only some women. Once attention was brought to the unconstitutionality of the proposed bill, it was withdrawn from parliamentary procedure in September 2002.

Another regulation associated with the rights of pregnant women was adopted in 2002. According to the new Employment Relationships Act an employer may not terminate the employment contract of a worker during pregnancy and throughout the period of breast feeding, or of parents during the time when they are using parental leave in the form of full absence from work. The employment of workers in such cases may not cease because of termination by the employer.

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2003

### **Divorce, separation, marriage**

In 2002 Slovenia ratified the Council of Europe's Convention on Contact concerning Children. This set grounds for amendments to the Marriage and Family Relations Act, especially in connection with the right of a child to stay in contact after the separation of his/her parents. Although the issue was dealt with before, the ratification of the Convention led to more concrete specification of conditions for alimony and visiting rights. The amended Marriage and Family Relations Act (which came into force in 2004) transferred the competence of deciding who is going to take care of a child after divorce from Social centres to Courts. While the social centres provide their opinion, it is up to the judge to decide who will take care of a child after divorce, how the maintenance of a child will be handled and similar. In order to combat a stereotypical understanding of gender issues (which often influence the judges' decisions), the National programme for equal opportunities 2005-2013 foresees educational workshops for judges on gender mainstreaming and gender equality. Such a workshop will be organized in late 2007 by the Office for Equal Opportunities and Ministry of justice.

An amendment to the Social Assistance Act, which was adopted in December 2003 (and came into power in 2004), guaranteed the right to a family assistant to adult persons with severe mental development disorders and to adult physically handicapped persons who need assistance with all basic life needs.

### **Civil partnership and gay marriage**

Lesbian group Škuc LL appealed to the Constitutional court, claiming that articles 3 (marriage is a union of a man and a woman) and 16 (in order to get married, two persons of the opposite sex have to express their will to get married) of the Marriage and Family Relations Act are discriminatory. The Constitutional Court never discussed the appeal as the Registered Same-sex Partnership Act was adopted in 2005 (and the appeal became unfounded).

On the initiative of lesbian group Škuc LL, a new expert group for drafting a bill on same-sex registered partnership is established at the Ministry of Labour, Family and Social Affairs in late 2001. The Secretary General at the Ministry was dissatisfied with the 1998 bill on registered partnerships, and decided to draft a new one to establish the legal equality of heterosexual and homosexual partnerships, with the exception of adoption rights. A bill on registered partnership, which provided all rights and obligations granted to married heterosexual couples to homosexual couples, with an exception of the right to adoption, was

submitted to governmental procedures at the end of 2003. However, when the bill was due to be brought before the Parliament, the procedure was blocked by the Slovene People's party, which argued that "the formation of same-sex partnership is not a human right. Human rights protect the values for which we must strive. Same-sex partnerships are not among them." Even though the party maintains that "society can tolerate same-sex partnerships, it cannot possibly support them in the same manner as heterosexual ones. That would turn out to be suicidal politics." In the course of political events, the People's Party ceased to be a member of the governing coalition (not due to its opinion on same sex partnership) and the ruling coalition reached agreement on the proposed law at the beginning of March 2004. However it was withheld from parliamentary procedures until the very last session of the parliament before the new elections in October 2004. With the change of the government, the bill was rejected from the second and third reading in the Parliament. Instead, the new right-wing government drafted its own bill on registered same-sex partnership in 2005 and adopted it.

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2. A letter sent by the Slovene People's Party to the parliamentary leaders and to the Ministry of Labour, Family and Social Affairs

2004
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### **Divorce, separation, marriage**

The amendments to the Penal Code in 2004 introduced another change related to the paying of maintenance. As there was a growing number of those persons (mostly men) who were

not paying maintenance (although ordered to by the court), the Penal Code introduces Article 203 according to which the non-payment of maintenance is a criminal offence. The penalty is one to three years imprisonment.

In 2004 amendments to the Marriage and Family Relations Act are adopted. However no major changes are introduced in relation to divorce. Articles 81 and 81a in the amended Act more concretely specify the conditions for alimony and for paying maintenance for children and the visiting rights of the parent who is not living with the children.

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2005
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### **Civil partnership and gay marriage**

After the withdrawal of the bill on registered partnership from the second reading in the Parliament in 2004, the government drafted a new bill and reduced the rights of homosexual partners to a minimum. The government was not willing to consider annotations to the bill, submitted by the left wing parties and the gay and lesbian organizations. The legislation was passed on 22 June 2005. It defines the procedures and conditions to register a same-sex partnership, legal consequences of the registration, method of its termination and relations between partners after the termination of the registered same-sex partnership. It gives partners in same-sex relationship a say in each other's medical care and grants limited inheritance rights. No social, pension and similar rights are granted while adoption or parenting rights are not addressed. The debate in the parliament and before was very homophobic. For example, one MP claimed that homosexuality should be healed like alcoholism or kleptomania. Another MP continuously used the offensive term "queers", while one member of the leading party demanded that the pubic region of two left wing female MPs, who were agitating for more rights to be included in the bill, should be checked, because he doubted that they were really women. Because of this, the opposition walked out of the Parliament in protest and did not vote on the bill. The LGBT organizations in Slovenia

believe that the law is discriminatory. They called for gay and lesbian couples to refrain from registering as domestic partners and not to use the discriminatory legislation. They have already appealed to the Constitutional Court, claiming the law is unconstitutional.

### **Reproductive rights**

In March 2005 a statement by Ivo Boscarol, a businessman and a member of the Governmental Strategic Council, suggested a separate taxation for childless couples aged between 25 and 50. His argument was that couples without children live a more luxurious life and have fewer expenses. Therefore they should pay higher taxes. His statement was given in the context of a broader debate on the demographic situation of Slovenia. The right wing government, which came to power in 2004, started some kind of a moral (and nationalistic) panic, suggesting that the Slovenian nation is going to die out if young people decide not to have more children. Similar warnings – occurring occasionally – have been part of the Slovenian political public life since the independence in 1991. Boscarol's suggestion did not make it to any official political document.

Later in the year the issue of abortion was one of the topics discussed at the 37<sup>th</sup> Consultation of the representatives of religious communities. Most of them argued against it. The debate was framed within the context of Slovenian demographic policies.

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2006
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## Reproductive rights

In 2006 the Minister of Labour, Family and Social Affairs presented his Strategy on fertility increase. Among others the Strategy claimed that the number of abortions in Slovenia contributes to the poor demographic image of the nation. For these reasons it was suggested that payment for artificial termination of pregnancy should be on the side of pregnant women rather than on state subsidies. An additional measure suggested by the Strategy was obligatory consultation with a psychologist or social worker before the termination of pregnancy.

The Strategy on fertility increase received extensive critique from the side of civil society. The above mentioned suggestions (payment for abortion and obligatory consultation) were discussed in numerous roundtable discussions and public appeals to withdraw the Strategy were made by non-governmental organizations, academics, gynaecologists, and women's and other committees of parliamentary parties (Women's forum of Social democrats, Committee for equal opportunities of Liberal Democrats of Slovenia) etc. The Strategy was one of the reasons the Minister had to resign a few weeks after the Strategy on fertility increase was proposed.

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2007
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### **Divorce, separation, marriage**

A new bill on Marriage and Family relations is presented. At the moment it is open for civil society's suggestions, amendments etc.

### **Reproductive rights**

In 2007, when the new Minister of Labour, Family and Social Affairs took office, seven non-governmental organizations and several individuals published a public initiative against any kind of strategy for fertility increase. They claim that such strategies are in conflict with the Cairo's Action programme on population and progress, which Slovenia signed in 1994. Instead, they call on the government to prepare strategic plans for balanced progress of the population, which should include:

- easier access to the first employment for women
- subsidised apartments for young families
- tax reductions for employed parents
- responsible exercising of reproductive rights and protection of reproductive health, which should include the right to free decision about child bearing
- sex education for young people encouraging responsibility
- enabling safe motherhood and promotion of paternity leave and active fatherhood.

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#### 4. Gender-based violence

The most important sub-issues for the Quing project within the gender-based violence issue are:

6. **Domestic violence.** Although there is no National Action Plan against Domestic Violence adopted in Slovenia, there have been policies and legal acts adopted for the prevention of domestic violence and criminalization of its perpetrators, for protection of victims of violence and for support (social and economic) of those who have experienced domestic violence.
7. **Prostitution and trafficking.** There have been policies and legal acts adopted legalizing prostitution and criminalizing trafficking. Special measures have been adopted for the protection of/help for victims of trafficking in human beings.
8. **Sexual harassment.** Several awareness raising actions for the prevention of sexual harassment took place in Slovenia over recent years. These actions were accompanied by legal provision for the prevention of sexual harassment.

#### Domestic violence<sup>77</sup> and violence in partnerships (marital rape)

The first women's organizations dealing with the issue of domestic violence and violence against women were established in the late eighties. Association SOS Help Line, one of the most well-known NGOs in this field, was established in 1989, and it cooperated with other help lines across former Yugoslavia. Later, other organizations followed, each focusing on different aspects of violence. In 1993 Ženska svetovalnica (Women's Counselling Service) was established. It provides psycho-social help for women victims of violence. Three years later the Association against violent communication was established. Besides providing help for women victims of violence, the organization also provides counselling for violent men, perpetrators of the violent acts. All these non-governmental organizations, in cooperation with other NGOs working in the field, played (and still play) a key role in pushing forward the issue of gender-based violence. In 1995 the institution of Human Rights Ombudsman was introduced in Slovenia. In the following years the Ombudsman also played an important role in combating and raising awareness of domestic violence and violence against women. 1995 also saw the first public demonstration against domestic violence and violence against women. The demonstration, which took place in Ljubljana on 25<sup>th</sup> November, was organized by the autonomous women's groups from the Women's Centre Metelkova (Ženski center Metelkova). The protest was part of the activities connected with the international Ten days against violence against women. Even broader public attention to domestic violence was reached in 1999, when the public campaign "What's the Matter, Girl?" (Kaj ti je deklica?) – the

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<sup>77</sup> It should be noted that the most common naming of domestic violence in Slovenia is actually »violence in the family« or »family violence«. There is no direct translation of the term domestic violence possible. »Nasilje v gospodinjstvu« (violence in the household) would be the right translation but no one uses such term. Here we use the English term »domestic violence« as the usual naming of this problem, but keep its language and context specific meaning in mind.

title is taken from a Slovenian folk song – was organized for the first time by numerous non-governmental organizations (also outside Ljubljana) and governmental bodies. Its message that “every fifth women fell down the stairs” drew public attention to domestic violence and violence against women. There was also an exhibition of posters in the National Assembly, which were later exhibited in other municipal councils in Slovenia and fostered discussions about the problem of violence. The broad public debate continued in the following years, when the campaign was organized again.

All these debates contributed to the fact that the issues of domestic violence and violence against women are now discussed and analyzed also within the Universities. With the introduction of gender studies to several faculties in Ljubljana in the mid and late nineties, the issue of domestic violence became a topic of non-mandatory courses and BA, MA and PhD theses.

In 1997 the Association SOS Help Line opened the first non-governmental shelter for women and children victims of violence in Ljubljana (Shelter Ljubljana), adding to two other governmentally supported shelters or “Safe houses” opened in 1991 (Krško) and 1996 (Maribor). In the following years new safe houses and new shelters were opened. However, people working in these shelters continuously warn that the number of available beds is insufficient. As Dobnikar writes in 2003, non-governmental organizations estimate that existing shelters are sufficient only for half of those women who need such help.

Until 1995 the Penal Code from 1977 was in force. It did not recognize domestic violence as kind of special violent act which should be criminalized, but punished violence regardless of the relationship between the victim and the perpetrator. Article 222 of the Penal Code, criminalizing violent behaviour, was the general basis on which a violent family member could be prosecuted. The regulations on public order and peace also regulated this to a certain extent and most of the violent acts in the private sphere were treated as an offence against public order and peace. The Slovenian republican penal code (but not the federal Yugoslav) also defined marital rape as a criminal offence. However, an automatic official prosecution did not follow and victims themselves had to demand it, which did not result in many cases.

The new Penal Code from 1995 didn't bring any major changes to the issues of domestic violence, violence against women and rape (outside and inside wedlock). In spite of many detailed proposals issued by both governmental and non-governmental organizations, the new Penal Code did not recognize domestic violence and violence against women as a separate criminal offence (See Dobnikar, 2002).

The key shifts in connection to domestic violence came in 1997 and 2003, when the legal option for a temporary ban on approaching a specified place or person was introduced, in 1999 when the Criminal code introduced domestic violence as a criminal offence, and in 2006 when The Protection of Public Order Act introduced penalization of physical and verbal violence against a partner (in a wedlock, registered partnership or unregistered partnership).

In 1997 the Constitutional court (case U-I-18/93, see issue history for 1998) ordered the parliament to amend the Criminal Procedure Act in such a way that the ban on approaching a specific place or person is included in the Act as an alternative measure to detention. The ban on approaching was seen as a useful measure in the case of domestic violence in order to eliminate the perpetrator. The Constitutional court decision renewed the discussions on amendments to the Penal Code. Non-governmental organizations pressed both for recognition of domestic violence as a separate criminal offence and for the removal of the perpetrator from home. While the amendments to the Criminal Procedure Act were adopted the following year (the Act now enables the court to give a temporary order on eviction of a spouse from a common apartment, if this is necessary to prevent the violence), the introduction of domestic violence into the Penal Code failed again. However, women's NGOs agitated also for the change of Police Act in such a way that police would be entitled to remove the perpetrator from the home and that the perpetrator should be banned from approaching the victim as long as the danger of repeating a violent act exists. These claims are included in the amended Police Act from 2003.

In 1999 the conditions for prosecuting violence 'behind closed doors' changed. The prosecution of the violent act is now possible if the perpetrator caused scandal or anxiety in public AND/OR in the private sphere (i.e. family), while the previous version of the Criminal Code referred only to the public sphere. The change implicitly introduced domestic violence as a criminal offence into the Penal Code (See Veselič, 2004, Penal code 1999). Similarly the Criminal Offences against Public Order and Peace Act from 2003 implicitly introduced provisions on domestic violence as the act specifies that any person disturbing the peace or threatening the safety of a person in private surroundings in an illicit manner shall be considered as committing the offence. The Act is changed again in 2006, when references to domestic violence became explicit. It penalizes physical and verbal violence against a partner (in a wedlock, registered partnership or unregistered partnership) with financial penalty.

The major dispute connected to the sub-issue of domestic violence is the absence of a Domestic Violence Act in the Slovenian legal system. These debates are especially strong from 2003 onwards when the Expert Council on dealing with violence against women (working within the Ministry of Labour, Family and Social Affairs) published an analysis of the situation concerning domestic violence. The analysis was intended to set the legal bases for dealing with violence against women. On the basis of this analysis, the position and draft proposals of a fundamental legal act on the prevention of domestic violence was to be prepared. Besides the Expert Council, the Office for equal opportunities, numerous women's non-governmental organizations, and Human Rights Ombudsman took an active part in the debate. However his efforts – although supported by many governmental and non-governmental representatives – were made impossible due to the non-responsiveness by the Ministry of Work, Family and Social Affairs. The said Ministry later informed the Ombudsman that a special act on domestic violence was being drafted at the Ministry.

Due to the non-responsiveness on the side of the Ministry, the Association against violent communication prepared – in cooperation with some other women’s NGOs and experts – a National action plan of work on prevention of violence against women. Although it is unusual for an NGO to write such a national plan, the actors at the Association thought that the need for such a document was great and feared that it would not be drafted in the near future if they did not draft it themselves. However, the Ministry of Labour, Family and Social Affairs, which was supposed to draft such an action plan in the first place, never accepted it or implemented the goals of the proposed National plan.

In 2004 a bill on domestic violence was drafted by the Inštitut za primerjalno pravo pri Pravni fakulteti v Ljubljani (The institute for comparative law, Faculty of Law, Ljubljana), but it was never sent to the parliamentary procedures.

The controversies around domestic violence continued in 2005 (after the change of the government in 2004 to a right-wing coalition). In February 2005, the Human Rights Ombudsman presented a special report on domestic violence at the National Assembly. One of the standpoints of the new right wing government in reaction to the Ombudsman’s report was that domestic violence shouldn’t be discussed as it sheds “negative light” on the value of family. A controversy burst out as some conservative politicians claimed that the name “family violence” implies that it is the institution of the family which causes violence in the private sphere. This statement contributed to extended public debate on domestic violence and caused huge indignation on the side of non-governmental organizations dealing with domestic violence. In 2006 a consortium of women’s non-governmental organizations published a public appeal “Čas je, da tudi slovenske oblasti ukrepajo” (The time is ripe for the Slovenian government to take action), calling on the Slovenian government to finally prepare a Domestic violence Act, to adopt a protocol for harmonizing governmental and non-governmental actions in combating violence against women, to grant financial substitution for victims of trafficking and to enable them access to the labour market, to prevent sexual harassment at work, and to prepare an extensive research on the situation of violence against women in Slovenia.

Their appeal was successful as the Ministry of Work, Family and Social Affairs drafted a bill on domestic violence in 2007. At the moment civil society is being invited to comment on the bill.

### **Prostitution and trafficking**

Prostitution was decriminalized in Slovenia in 2003.

From the mid 1970s onward, prostitution was treated as a lesser offence against the “public order” (Hrženjak et al., 2005). A person that was submitted to prostitution, took part in it, allowed or supported it was sentenced to up to 2 months in prison. The issue of the decriminalization of prostitution and its meanings were raised several times in the debates

led by the new social movements in the eighties. On a general level, there was a deep ambivalence regarding the issue of prostitution – it was regarded as both immoral and an obstacle to the real emancipation of women. Prostitution has grown particularly noticeably since 1991 with the growth of night bars. These bars often employ artistic dancers and some of them also work in prostitution. There has also been an increase in the number of erotic massage parlours (see Hrženjak et al., 2005). According to Pajnik and Kavčič (2006), the most widespread form of prostitution is so-called “mobile prostitution”. Other forms include hotel and bar prostitution and so-called “apartment prostitution”. There is no street prostitution in Slovenia.

The first initiatives to legalize prostitution originated in the early nineties. In 1993 the Minister of Health Božidar Voljč and two parliamentary parties (the Green party and the Liberal democrats) suggested preparation of a bill which would legalize prostitution. Another initiative came in 1996. This time it was stimulated by the fact that prostitutes in Slovenia had no protection, no services, offices or non-governmental organizations to which they could turn for help. However the bill was never submitted to the parliament with the explanation that circumstances in Slovenia did not allow the implementation of such changes. Yet another initiative came in 2000 when two Liberal democrat parliamentarians addressed the government, submitting a suggestion to establish a governmental expert group involving experts from different governmental bodies to design a law on prostitution. Although the group was established, it failed to prepare a law on prostitution. It is worth mentioning that neither academics nor women’s non-governmental organizations were consulted.

Broader debate on the decriminalization of prostitution started in 2001 after parliamentary party Liberal democrats presented their suggestions for the amendment of Article 10 of the Act on Criminal Offences Against Public Order and Peace which defined prostitution as a (lesser) criminal offence. They claimed that their suggestions will actually implement the decriminalization of prostitution. Their argument for the decriminalization of prostitution was based in economical reasoning. They were arguing for an understanding of prostitution as an economic activity rather than an offence. As Hrženjak (2004) points out: “The Liberals pointed out that prostitution was mainly a voluntary activity and in this they referred to both human rights and freedoms and the prostitute’s freedom to choose her/his way of making a living. They stressed the definition of prostitution as an equal economic activity<sup>78</sup> (a strong political argument since this was the definition of prostitution used by the European Court of Justice) and as the opportunity for extra earnings.”

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<sup>78</sup> In socialism prostitutes were depicted (scientifically, mainly in surveys from social pathology) in a negative way as whores, pathological personalities and criminals in everyday representations. The proposal for decriminalization of prostitution in Slovenia, in its reference to the definition of the EU Court that prostitution could be seen as an equal economic activity, influenced an important shift in the representation of the prostitute as a whore. Now a prostitute could be seen as an entrepreneur. On the other hand, introducing the dimension of trafficking in human beings into the issue of prostitution led to a shift in the framing of prostitute from whore to the victim of trafficking and to the victim of violation of human rights. So the socialist image of prostitute as whore has been split into an image of entrepreneur or a victim of violation of human rights during the period of transition.

The whole debate about prostitution was based on an alliance between Liberals and Social democrats, whereby the main frame of the debate was a neoliberal one, pointing to prostitution as a voluntary activity which separated trafficking as an issue from prostitution and kept it as a dark side that was not tackled (Hrženjak et al. 2005).

The Liberal democrat's suggestion from 2001 was adopted in the summer of 2003, when the amendments to the Offences against Public Order and Peace Act were adopted. In such a way prostitution in Slovenia was decriminalized with the decriminalization being supported by all parliamentary parties. One of the reasons why the decriminalization was not problematic was the fact that there is no street prostitution in Slovenia, meaning that there are no offences against public order and peace in connection to prostitution. In 2005 there were attempts to criminalize sexual services in public places, but these amendments were later abolished.

As Pajnik and Kavčič (2006) write about political debates and media reports on prostitution in 2003 – when the topic was most discussed – the debates “approached prostitution in a bipolar way: on one hand prostitution was reduced to an economic activity, to business that brings earnings, on the other hand, to controversial behaviour which threatens public morality. Women involved in prostitution were consequently presented as either professionals, ‘mobile phone business women who know exactly what they want’ – these images were put in contrast to representations of women coming from abroad who were described as ‘naïve girls from problematic countries of south-eastern Europe’”.

After the decriminalization of prostitution in 2003 a group of citizens, who called themselves The Civil Society, proposed a referendum against decriminalization but their initiative failed to gain sufficient support, partly also because the decriminalization of prostitution received no response from the Catholic Church.

There are two important shifts in dealing with trafficking in human beings in Slovenia. The first one is legal provisions against trafficking in human beings (amendments to the Penal Code in 1995 and 2004), the second one is the establishment of the Interdepartmental Working Group for the fight against trafficking in persons in 2001.

The issue was not much discussed until the late nineties. Different factors contributed to the initiation of the debate on trafficking in Slovenia. One of them is the fact that Slovenia became more and more connected to the European integrations and therefore started to face the problem of trafficking in practice. Simultaneously non-governmental organizations – such as Ključ, which is the first Slovenian non-governmental organization dealing with issues of trafficking – started to deal with the issue and drag public attention to it. The influence of international organizations cannot be denied as well, among them the International Organization for Migration Slovenia. Another palpable push came from the American State department and its fight against terrorism and trafficking. The reports of the State Department on Slovenia criticized the lack of dealing with the issue in Slovenia. However, while the international influences played an important role in bringing the issue to the public

and political agenda, its influence can also be counter-productive. According to the State Department classification of countries on dealing with trafficking, Slovenia is now in the first group of countries, where this issue is dealt with well. However, non-governmental organizations point out that the situation of victims of trafficking is far from satisfactory.

One of the crucial shifts came in 2000, when two Liberal democrat parliamentarians addressed the government, submitting a suggestion to establish a working group for the fight against human trafficking. Their proposal was initiated by the above mentioned local and international factors. In 2001 the Interdepartmental working group for combating human trafficking in Slovenia<sup>79</sup> is established. It consists of representatives of the ministries, Office for Equal Opportunities, IOM and UNHCR (until they withdrew from Slovenia, IOM at the end of 2005, UNHCR in mid 2006), the Association Ključ and other NGOs. It is coordinated by the Ministry of the Interior, which in 2003 signed a Declaration on the commitment: Legalization of the status of victims of trafficking in human beings. The Declaration obliged Slovenia to provide help and protection to the victims of trafficking in human beings. In September 2003, the Ministry of the Interior and the State Prosecutor General of the Republic of Slovenia signed the Agreement on cooperation in the field of providing help to the victims of trafficking in human beings with the non-governmental organization Ključ, which implements the programme of help and support to the victims of trafficking in human beings. Recently Caritas has been officially appointed as the organization providing support to trafficked persons in Slovenia, but the society Ključ still works in the field, providing help mostly to women (See Pajnik, Bajt, Zupanc, 2006).

The Interdepartmental working group for combating human trafficking prepared the Action plan on combating trafficking in human beings, which was adopted by the government in 2004. Another action plan was prepared for 2007 (and adopted by the government in 2006).

The first implementations of the first Action plan were carried out in 2004 when new amendments to the Penal Code were adopted. While the old Penal Code from 1977 didn't recognize trafficking as a separate criminal offence, the Penal Code of 1995 introduced criminalization of trafficking in human beings with the intention of sexual abuse. Amendments of 2004 introduced more severe punishment and, pursuant to Council Framework Decision on combating trafficking in human beings (2002/629/JHA), it introduced provisions for the prevention and punishment of trafficking. Trafficking in human beings (article 387a) is now penalized with one to ten years imprisonment if a person buys, delivers, sells, transfers or similar other person for the means of prostitution or other form of sexual abuse, slavery, forced work or trading with human organs or blood. The article is also in accordance with the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized

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<sup>79</sup> See the Interdepartmental working group for combating human trafficking in Slovenia webpage at: <http://www.gov.si/vrs/index.php?vie=cnt&gr1=act&gr2=prj&gr3=intWorGroFigAgaTra&id=2005051815163778&lng=eng>

crime. The said protocol was adopted by the Slovenian parliament on April 21, 2004 and also influenced the amendment of the Penal Code.

However, according to Pajnik, Kogovšek and Zupanc (2006), the Slovenian legislation still lacks both definitions and guidelines that would enable officials to recognize victims of trafficking and treat them accordingly.

## **Sexual harassment**

Similar to other sub-issues in gender-based violence, sexual harassment was first addressed by civil society and women's non-governmental organizations.

A broader public debate on sexual harassment started in 1997 due to the awareness-raising campaign, organized during the international days of combating violence against women. The Women's office, trade unions and one left-wing political party published a pamphlet and poster entitled "Sexual Harassment at Work". As part of the project a leaflet "How to say no to your boss" was issued, intended primarily for the training of trade union commissioners. The broad media attention to the project helped the issue become a household topic, encouraging several women to speak out about sexual harassment at work. In the following years such stories emerge continuously in media reporting. The case which drew the most public attention came in 2006 when 2 female employees of the Slovenian armed forces reported sexual harassment. Slovenia also finally saw a court case on sexual harassment. In 2005 the director of the Institute of Public Health Ljubljana was sentenced to 14 months imprisonment for sexually harassing 4 female employees.

The most noticeable turning point in dealing with sexual harassment came in 2002, when the Employment Relationship Act – stimulated by the EU directive on non-discrimination in employment (2000/78/EC) – is adopted. Among others it prohibits sexual harassment at work. These provisions have been made known through various actions by NGOs and the government, especially by the Office for Equal Opportunities which published several promotional leaflets explaining sexual harassment and its prohibition.

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#### **4.1 Actors**

##### Government

Commission for Women's Policy  
Commission for Equal Opportunities Policy  
Expert Council on dealing with violence against women  
Council of Government for the Implementation of the Principle of Equal Treatment  
Office for Women's Policy / Office For Equal Opportunities  
Human Rights Ombudsman  
Interdepartmental working group for combating human trafficking  
Ministry of Labour, Family and Social Affairs  
Ministry of the Interior

##### Courts

District court Ljubljana

##### Civil Society

Association SOS Help Line  
Women's Counselling Service  
Association against violent communication

Women's Centre Metelkova  
Peace Institute  
Association Vita activa  
Association Ključ – Against trafficking in human beings

#### **4.2 Time line**

Before Quing

1977

##### **Domestic violence**

Article 222 of the Criminal code penalized violence regardless of the relationship between the victim and the perpetrator. It was the general basis on which a violent family member could be prosecuted.

The Criminal code also penalized rape outside and inside wedlock.

##### **Prostitution and trafficking**

Penal Code criminalized prostitution as a lesser offence against "public order".

1989

##### **Domestic violence**

Association SOS Help Line, one of the most well-known and influential NGOs in the field of domestic violence and violence against women in Slovenia is established.

1991

##### **Domestic violence**

The first "Safe house"- government supported shelter for women and children victims of violence- is opened in Krško.

1993

##### **Prostitution and trafficking**

The Minister of Health Božidar Voljč, the Green party and the Liberal Democrats suggested preparation of a bill which would legalize prostitution. The bill was never drafted.

## Quing period

1995
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### **Domestic violence**

The new Penal Code was introduced which did not recognize domestic violence and violence against women as a separate criminal offence. However such criminal offences are implicitly included in article 15 (criminal offence against life and body), article 16 (criminal offence against human rights and freedoms), article 19 (criminal offence against sexual integrity), article 29 (criminal offences against public law and order) and article 146 (mistreatment). Still, the initiative of the victim on the grounds of mistreatment is necessary for prosecution. Since fear of reporting such acts is an integral part of domestic violence and violence against women, the article has a limited effect.

Article 222 from the 1977 Penal Code remained in the new Penal Code (now article 299, defined as violence). However the conditions for prosecuting violence 'behind closed doors' changed. The prosecution of the violent act (punishable in itself) was possible on the basis of this article if the perpetrator caused scandal or anxiety in public with his/her behaviour.

Article 180 of the Penal Code criminalizes rape (outside and inside the wedlock, like in the old penal code of 1977). However the criminal offence is now defined as forcing a person of the opposite or the same sex to have sexual intercourse with the use of force or threats of assault against life and limb. It is punishable by one to ten years imprisonment. The article defines that the prosecution shall be initiated upon the initiative of the victim.

The first public demonstration against domestic violence and violence against women is organized in Ljubljana.

### **Prostitution and trafficking**

The new Penal Code, replacing the Penal Code from 1977, introduced criminalization of trafficking in women with the intention of sexual abuse (Article 387) and retained pimping and serving as an agent for prostitution as criminal offences (articles 185 and 186).

### **Sexual harassment**

The new Penal Code implicitly recognized sexual harassment as criminal offence in article 184, which prohibits the violation of sexual integrity by abuse of position as a criminal offence. However in all criminal offences against sexual integrity in which a minor or adult persons are involved, coercion or threat must be proved by the victim.

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1996

### **Prostitution and trafficking**

Another attempt was made to prepare a law on the decriminalization of prostitution. Several liberal democrats argued for decriminalization of prostitution together with the legalization/decriminalization of pornography. However these suggestions were never submitted to the parliament.

1997

### **Domestic violence**

The Association SOS Help Line opened the first non-governmental shelter for women and children victims of violence in Ljubljana (Shelter Ljubljana).

### **Sexual harassment**

Awareness-raising campaign on sexual harassment is organized during the international days of combating violence against women. As part of the campaign a pamphlet and poster entitled "Sexual Harassment at Work" was published. Additionally a leaflet "How to say no to your boss" was issued, intended primarily for the training of trade union commissioners.

Primary sources:

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### Domestic violence

The amended Criminal Procedure Act was adopted. It introduced the ban on approaching a specified place or person as instructed by the Constitutional Court decision in 1997. The Act now enables the court to give a temporary order on eviction of a spouse from a common apartment, if this is necessary to prevent the violence. This regulation also enables women victims of violence to stay in a common apartment during the time of divorce procedure.

### Sexual harassment

Office for Women's politics established "info telephone line" for women victims of sexual harassment, discrimination at work and similar. The office provides information for callers. Later the anonymous telephone line is opened to anyone who feels that any of his/her rights have been violated or restricted due to his/her gender.

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1999
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### **Domestic violence**

The amendment of the Penal Code changed article 299 (violent acts) in such a way that the violent acts are criminalized not only in public space but also in the private sphere. The change implicitly introduced domestic violence as a criminal offence to the Penal Code. However, domestic violence is still not recognized as a separate criminal offence. As Lobnikar and Mušič (2004) state, Slovenia remains one of the few countries which doesn't have special legal provisions on protection of family and children in its Penal Code.

Open Society Institute organized a seminar entitled Domestic Abuse Intervention Project in Budapest. At the seminar multi-institutional groups were formed on national levels aiming at preparation of the National plans against gender-based violence in their respective countries. The coordination of the Slovenian multi-institutional group was taken over by the Association for non-violent communication. However, the group never drafted the National plan. In 2003 another initiative for drafting such a plan came from the same Association. See 2003.

The public campaign "What's the Matter, Girl?" (Kaj ti je deklica) is organized for the first time by numerous non-governmental and governmental bodies. It received wide media coverage with its message that "every fifth women fell down the stairs".

The annual Ombudsman's report for 1999 exposes domestic violence and violence against women as a problem which governmental institutions should pay more attention to.

### **Prostitution and trafficking**

The amendments to the Penal Code brought minor changes to the description of the crime of pimping (Article 185) and serving as an agent for prostitution (Article 186). The penalty (prison) for such crimes was increased.

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2000
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### **Domestic violence**

The parliament adopted the “National Social Protection Programme by 2005”. Among the programmes which the state will financially support is the setting up of a network of homes for mothers and shelters for women, with a total framework capacity of 250 places and a network of centres to provide psychosocial help to the victims of violence. However the programme does not differentiate between women victims of violence and other women (such as homeless pregnant women). While the programme recognizes the problem of violence, it does not suggest any special measures in combating it.

### **Prostitution and trafficking**

Another initiative by the Liberal democrats to decriminalize prostitution. The initiative led to the establishment of the governmental working group for regulating the issue of voluntary

prostitution in 2002, whose task was to study prostitution in Slovenia. However the group failed to prepare a bill on prostitution.

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2001
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### **Domestic violence**

An Expert Council on dealing with violence against women is established at the Ministry of Work, Family and Social Affairs as an advisory body. It was founded on the initiative of non-governmental organizations.

In 2001 the Women's Counselling Association organized trainings on issues of domestic violence for policewomen and policemen. The workshops informed policewomen and policemen how to proceed in cases of domestic violence and violence against women. The project was accompanied by the translation of a Dutch book "Violence against women – police responsibility", which is the first manual in Slovenian language for police on how to work with women victims of violence. In the following years (and to a certain degree even before 2001), the systematic education of policewomen and policemen who are dealing with violence against women in any way takes place.

### **Prostitution and trafficking**

In 2001 the Interdepartmental working group for combating human trafficking in Slovenia is established. Its establishment was initiated by Liberal democrat parliamentarians and the growing interest in trafficking.

The Liberal democrats presented their suggestions for the amendment of Article 10 of the Act on Criminal Offences Against Public Order and Peace which defined prostitution as a (lesser) criminal offence. They claimed that their suggestions will actually implement the

decriminalization of prostitution. It eventually led to the decriminalization of prostitution in 2003.

Organization Ključ (Key), the Centre for the Fight against Human Trafficking was founded. Ključ is the first Slovenian non-governmental organization dealing with issues of trafficking.

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2002
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### **Domestic violence**

The “Mid-term action plan of the police for the period from 2003-2007” is adopted. It includes provisions on the tasks and assignments of the police in the field of domestic violence. They include the analysis of measures, establishing faults and deficiencies, education and training of policewomen and policemen, and active participation in drafting and implementing new legislative solutions.

### **Sexual harassment**

The Employment Relationship Act is adopted, stimulated by the EU directive on non-discrimination at work. Among others the act prohibits sexual harassment at work. Article 45 of the Act determines that an employer is obliged to guarantee a working environment in which no worker will be exposed to undesired treatment of a sexual nature, including undesired physical, verbal or non-verbal behaviour, or other behaviour based on gender, which would create intimidating, inimical or humiliating working relations and environment and insult the dignity of men and women at work. This article has been made known through various actions by NGOs and the government. For example, the Office for Equal Opportunities at the end of 2003 organized a conference on sexual harassment, intended for employers, trade unions, lawyers, personnel in the human resources management, and lay and professional public (police, justice, non-governmental organizations). In the following years it published additional leaflets and information posters to combat sexual harassment. The same activities were conducted also by non-governmental organizations (for example PIC – Legal-informative Centre). However, according to the Office for Equal Opportunities, less than 10% of Slovenian employers adopted special policies for combating sexual harassment in their enterprises.

Primary source:

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Secondary source:

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3. Jalušič, Vlasta. 2003. Čisto navadni domači teroristi. Mladina, 27. januar 2003, <http://www.mladina.si/tehdnik/200304/clanek/kolumna4/>

2003
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### **Domestic violence**

The Expert Council on dealing with violence against women (an expert group within the Ministry of Labour, Family and Social Affairs) published an analysis of the situation concerning domestic violence. The analysis was intended to set out the legal bases for dealing with violence against women. On the basis of this analysis, the position and draft proposals of a fundamental legal act on the prevention of domestic violence was to be prepared.

In 2003 an amendment to the Police Act is adopted. Articles 39a and 39b provide policewomen and policemen with more power of intervention in the case of domestic violence. A policeperson can issue a restraining order prohibiting a person from approaching a specified location or area and a particular person, which includes also a ban on harassment via means of communication. These articles supplement provisions on the ban on approaching a specified place or person, which were adopted in 1998 in the Criminal Procedure Act. However while the ban in the Police Act is ordered by the police officials, the ban in the Criminal Procedure Act has to be ordered by the court.

In 2003 the Act on Criminal Offences against Public Order and Peace is adopted. Although it is not explicitly dealing with domestic violence, it implicitly includes provisions related to it. The Act specifies that any person disturbing the peace or threatening the safety of a person in private surroundings in an illicit manner shall be considered as committing the offence. The Act is changed again in 2006, when references to domestic violence became explicit.

In 2003 the Housing Act introduced an option to allocate a non-profit dwelling unit to socially unprivileged persons on the basis of a list of persons eligible for such allocation. The rules are explicated in Article 3 and 6 of Rules on renting non-profit apartments, adopted in 2004.

Among the socially unprivileged persons listed are women and children victims of (domestic) violence.

### **Prostitution and trafficking**

Prostitution in Slovenia is decriminalized. However, according to the Criminal Code (articles 185, 186 and 387) pimping and serving as an agent of prostitution are still defined as criminal offences. Later a public referendum is proposed by some citizens to annul the parliamentary decision on prostitution, but the initiative did not receive enough support.

In July 2003, the Minister of the Interior signed a Declaration on the commitment: Legalization of the status of victims of trafficking in human beings. The Declaration obliged Slovenia to provide help and protection of the victims of trafficking in human beings. In September 2003, the Ministry of the Interior and the State Prosecutor General of the Republic of Slovenia signed an Agreement on cooperation in the field of providing help to the victims of trafficking in human beings with the non-governmental organization Ključ, which implements the programme of help and support to the victims of trafficking in human beings. "The Agreement grants a three-month temporary residence in the Republic of Slovenia to a victim residing illegally in the Republic of Slovenia. The permit for a three-month temporary residence shall be issued by the competent authority on the basis of a certificate that the victim is accommodated in a safe place provided by the Ključ society. This period is devoted to the victim's learning all the necessary information and to be offered psychological-social, medical and legal assistance. After a period of "reflection", the victim may decide on her or his further cooperation in the criminal proceedings." (Cedaw 4, pp. 26-27)

Primary sources:

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2. Veselič, Špela (ur). 2007. Na poti iz nasilja: Prakse dela proti nasilju nad ženskami. Ljubljana: SOS telefon.

2004
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### Domestic violence

Regional coordinators against violence are introduced within the social work centres. The coordinators are expected to provide expert support to personnel in social work centres and to the victims of violence.

In June 2004 the Human Rights Ombudsman published a special report on domestic violence, based on the experts' meeting "Violence in the family – the paths to solutions", held in November 2003. The report offers some guidelines for victims of violence and proposals for how to deal with the issue of domestic violence.

In 2004 the bill on domestic violence is drafted by the Inštitut za primerjalno pravo pri Pravni fakulteti v Ljubljani (The institute for comparative law, Faculty of Law, Ljubljana), but it was never sent to the parliamentary procedures.

### **Prostitution and trafficking**

The Interdepartmental working group for combating human trafficking prepared the Action plan on combating trafficking in human beings, which is adopted by the government in 2004.

The Protocol to prevent, suppress and punish trafficking in persons, especially women and children (United Nations Convention against transnational organized crime) is adopted by the Slovenian parliament.

In accordance with this protocol and Council Framework Decision on combating trafficking in human beings (2002/629/JHA), the Penal Code is also amended. Trafficking in human beings (article 387a) is now penalized with one to ten years imprisonment if a person buys, delivers, sells, transfers or similar another person for the means of prostitution or other form of sexual abuse, slavery, forced work or trading with human organs or blood. The Penal Code also prohibits the unlawful transfer of foreigners who have no permission to reside on the territory of Slovenia, and prohibits transporting and/or helping them to hide (Article 311). Furthermore, the Penal code prohibits acts accompanying the act of illegal transfer of persons, such as the following: obtaining financial profits for the illegal transport of persons, providing labour force without rights, endangering the life or health of transferred persons, supporting terrorist activities, or committing the crime of human trafficking as a member of a criminal enterprise (Article 311).

The amendments to the Penal Code in 2004 also introduced more severe punishment for criminal offences against sexual integrity, particularly in the case of abuse of position when committing such a criminal offence, abuse of a vulnerable person or a person below fifteen years of age.

### **Sexual harassment**

Implementation of the Principle of Equal Treatment Act is adopted. It includes provision for combating harassment on the basis on any personal circumstances.

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2005
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### **Domestic violence**

In February 2005, the Human Rights Ombudsman presented a special report on domestic violence at the National Assembly. One of the standpoints of the new right wing government (which came to power in 2004) in reaction to the Ombudsman's report was that domestic violence shouldn't be discussed as it sheds "negative light" on the value of family.

The National Programme for Equal Opportunities of Men and Women 2005 - 2013 is adopted. It includes measures on how to combat domestic violence and violence against women.

## **Prostitution and trafficking**

In December 2005, the Witness Protection Act was adopted. Among others it provides witness protection of victims of trafficking in human beings and other threatened persons. However, as Pajnik and Kavčič (2006) point out “the procedure for obtaining the status of protected witness is complicated, and even if it is approved, Slovenia is too small as a country to ensure someone complete protection.”

## **Sexual harassment**

The Civil Servants Act was adopted and amended in December 2005. The amended Act introduced article 15a, which prohibits any unwanted physical, verbal or non-verbal conduct or behaviour of a public servant deriving from any personal circumstance and creating intimidating, hostile, degrading, humiliating, abusive or offensive working environment for any person and violating his or her dignity.

The precedent (and by now the only) court case on sexual harassment took place at the District court in Ljubljana. The director of the Institute of Public Health Ljubljana was sentenced to 4 years probation – should he repeat sexual harassment he would be sentenced to 14 months imprisonment.

The National Programme for Equal Opportunities of Men and Women 2005 - 2013 is adopted. It includes provisions for the prevention of sexual harassment.

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### **Domestic violence**

The Protection of Public Order Act is adopted, annulling the 2003 version of Offences against public order and peace Act. The offences related to domestic violence are now defined explicitly (as opposed to the 2003 version of the Act with implicit mentioning of domestic violence). Article 6 of the Act penalizes physical and verbal violence against a partner (in a wedlock, registered partnership or unregistered partnership) with financial penalty.

A consortium of women's non-governmental organizations published a public appeal "Čas je, da tudi slovenske oblasti ukrepajo" (The time is ripe for the Slovenian government to take action)", calling on the Slovenian government to prepare a Domestic violence Act.

### **Prostitution and trafficking**

Amendments to the Aliens Act introduced new provisions (Article 39) enabling a victim of human trafficking to obtain a temporary residence permit if she cooperates as a witness in a criminal procedure on crimes of human trafficking. The major problem with the amendment is that it makes the right to remain in Slovenia conditional upon participation in a criminal proceeding. The non-governmental organization Ključ believes that assistance and a residence permit should be available for victims even if they do not decide to cooperate.

### **Sexual harassment**

Two employees of the Slovenian armed forces reported sexual harassment. The story brought much media and public attention to the problem of sexual harassment. The Advocate for Equal Opportunities for Women and Men issued an opinion that the employer did not take all the necessary measures to prevent sexual harassment.

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2007
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### **Domestic violence**

A new bill on domestic violence was drafted in 2007. At the moment civil society is being invited to comment on the bill.

In February the Slovenian parliament adopted the Council of Europe's declaration 'Parliaments united in combating domestic violence against women'. The declaration was adopted on the initiative of non-governmental organizations and the Committee for Petitions, Human Rights and Equal Opportunities. The same Committee later organized in the Parliament a Conference on domestic violence and violence against women.

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## **5. Conclusion**

### **Shifts, disputes and controversies**

#### **Non-employment**

The most important shifts in gender+ equality policies in the issue of non-employment in period 1995 – 2007 in Slovenia were provisions related to working permission for refugees and asylum seekers and the right of free access to the labour market with regard to the nationals of the EU and the EEA and their family members which were highly influenced by EU policies. In the field of care and work/family balance two important measures have been introduced: a parental right to part-time work until the child reaches three years of age and a non-transferable father's right to paternity leave. The salient and very disputable topic is equalization of retirement age for men and women in the framework of pension reform. The introduction of gender disaggregated statistics on wages is an important achievement of the social dialogue (trade unions and the Office for Equal Opportunities played a key role), while the dialogue was also influenced by the EU and its standards.

The most important disputes, which are not extensively publicly debated but are mainly present in some (feminist) expert circles, are related to: the non-transferable paternal right, which should be 100% financially compensated in order to achieve its target; the feminization of the parental right to part-time work until the child reaches three years of age; and equalization of retirement age for women and men where it is claimed that equalization discriminates against women.

#### **Intimate citizenship**

The most important shifts in gender+ equality policies within the intimate citizenship issue in the period 1995-2007 in Slovenia were debates about the right to abortion, the right to artificial insemination for women who are not in a heterosexual relationship, the right of a child to have contact with both parents after they divorce and the right of same-sex partners to be legally recognized as belonging to a same-sex partnership.

In the field of reproductive rights, the right to abortion was preserved (it has been guaranteed since 1974) despite the continuous appetite of conservative and church influenced parties to abolish or limit this right. The most important dispute over this right is whether an embryo is a human being or not or when it becomes one. However, since 2001 the right to artificial insemination is available only to those women who are in a heterosexual relationship, a right that was previously granted to all women before the change of the law. The major dispute over the latter was whether lesbians, disabled women and single women “deserve” to be artificially inseminated; in the public debate the former were often said to be dangerous to children (as the child would not be raised in a “normal” family), the second were said to be of “bad genetic material” and therefore would reproduce their disability, while the latter were blamed for not being able (or not wanting) to enter into a relationship with a man. It was such

intolerant, racist and homophobic discourse – coming from the general public and from some political parties – which shaped the discussions about the law and eventually led to a public referendum and its negative result.

Within the context of marriage and divorce, some legal measures were taken to penalize those parents (mostly or primarily fathers) who are not paying for their children's maintenance after the divorce. Since 2004 non-payment of maintenance is a criminal offence. At the same time the Marriage and Family Act was changed in accordance with some international documents in order to guarantee the right of a child to stay in contact with both parents after the separation of his/her parents. In practice this generally means increasing the father's right to see and visit his children. Despite the progress, the current situation is far from satisfactory.

The story about the right of gays and lesbians to be registered does not differ much from similar stories in other European countries. Adoption of such legislation was often interpreted as a threat to the family and nation. For these (nationalistic and demographic) reasons the Registered Same-sex Partnership Act introduced only limited rights, meaning that the primacy of heterosexual couples was preserved in both legal and symbolic terms. In legal terms the Registered Same-sex Partnership Act does not recognize registered partners as next-of-kin (as relatives), a status important to claiming the majority of social, pension and similar rights. On a symbolic level the law uses the term "to register" which – in Slovenian language – is used for registration of car (and similar). In such a way the legislator wanted to draw a clear (also linguistic) line between marriage and registered partnership. Both the legal (next-of-kin) and symbolic (language) levels were two of the most important disputes over this legislation.

### **Gender-based violence**

The most important shifts in gender+ equality policies within the gender-based violence issue in the period 1995-2007 in Slovenia were provisions related to the restraining orders which enabled policemen and policewomen to issue a temporary ban on a perpetrator approaching a specified place or person. Women's NGOs had agitated for such change in the Police Act since the nineties, but the amendment which entitles police to remove the perpetrator from the home as long as the danger of repeating a violent act exists was adopted only in 2003.

Other important shifts include decriminalization of prostitution and introduction of legal provisions against trafficking in human beings. Here amendments to the Penal Code in 2004 introduced provisions for the prevention and punishment of trafficking. Besides non-governmental initiatives, a crucial role in combating trafficking is played by the Interdepartmental Working Group for the fight against trafficking. Yet another shift within the framework of gender-based violence was the adoption of the Employment Relationship Act in 2002 which prohibits sexual harassment at work. In 2005 Slovenia saw the precedent court decision on sexual harassment; the director of the Institute of Public Health Ljubljana was sentenced to 14 months imprisonment for sexually harassing 4 female employees.

The key controversy connected to domestic violence is the lack of a comprehensive Domestic violence act. While domestic violence is implicitly criminalized in the Penal Code since 1995 and explicitly penalized in the Criminal Offences against Public Order and Peace Act since 2006, there is still no National plan on combating domestic violence and no Domestic violence Act in Slovenia. The women's NGOs have been pressing for such legislation – and there have been a few drafts of the bill prepared – but none of them have reached the Parliament. With the change of the government in 2004, the Minister of Work, Family and Social Affairs claimed that we should not talk about family violence at all as it sheds negative light on the institution of the family. However with his dismissal from the position in 2006, the new (female) Minister took a different stance. In the summer of 2007 the Ministry of Work, Family and Social Affairs drafted a bill on Domestic violence. However the first controversies in connection with the bill have already appeared as the Ministry refuses to include same-sex partners in the definition of family members.

Other controversies are connected to the work of policemen and policewomen. In the case of domestic violence the police intervene if the victim or neighbours calls the police. Still, it is up to the police officers to decide whether to intervene or not; they must intervene if there is a suspicion that life, health and/or property of a person are threatened or when public peace and order are disturbed. Non-governmental organizations claim that the lack of clear rules results in different outcomes; sometimes the police do not intervene although it is needed.

## **Actors**

### **Non-employment**

The main actors that affected gender+ equality policies in the issues of non-employment were the Ministry for Labour, Family and Social Affairs, Office for Equal Opportunities and The Union of Free Trade Unions of Slovenia. The civil dialogue in this field was not significantly influential except through involvement of individual feminist experts in different advisory groups.

### **Intimate citizenship**

The main actors that affected gender+ equality policies in the issues of intimate citizenship were the Ministry of Work, Social Affairs and Family and Office for Equal Opportunities (Office for women's policies in the nineties) for all sub-issues. In the sub-issue of reproductive rights, the feminist movement and its numerous non-governmental organizations played a key role in preserving at least the right to abortion. On the side of opponents, the most important actor was the Roman Catholic Church (mostly through the political parties close to its ideology).

In the sub-issue of paying for maintenance, the most important actor was Ministry of Work, Family and Social Affairs. In the sub-issue of a child's right to contact with both parents, the most visible non-governmental organizations are the association Ostržek and association Podos.

In the sub-issue of same-sex partnership, the most important actors on the side of non-governmental organizations are Škuc LL (lesbian group), Legebitra (LGBT youth group) and DIH (Association for the integration of homosexuality). The Peace Institute also played an important role. On the side of opponents, the most important actors were again right-wing parties and actors close to the Roman Catholic Church ideology.

### **Gender-based violence**

The main actors that affected gender+ equality policies in the issues of gender-based violence were the Ministry of Labour, Family and Social Affairs, Ministry of Interior (Police), Office for Equal Opportunities, governmental committees and expert groups (such as the Expert Council on dealing with violence against women and Interdepartmental working group for combating human trafficking – through such expert groups academics are also an important actors in the field) and especially numerous women's non-governmental institutions. Among them two played a crucial role: Association SOS Help Line was the first non-governmental organization in the field which brought the issue of domestic violence to the broader public attention. Association against violent communication's specific contribution to the field is the fact that the association provides help not only to women victims of violence, but it also – as the only non-governmental organization in Slovenia – provides counselling for violent men, perpetrators of violent acts. However the role and specific inputs of other women's non-governmental organizations (such as Women's Counselling Service, Women's Centre Metelkova, Association Vita activa) cannot be denied. In the field of trafficking, the association Ključ played a crucial role. The Ombudsman can also be classified as an important actor in the field as he actively pressed the government to adopt the Domestic violence Act. He also repeatedly reported on gender-based violence in his annual reports.

### **EU and international influences**

#### **Non-employment**

The influence of EU policies was important in policies regarding the gender pay gap, pension system and recently in access to the labour market for different excluded social groups as a means for their social inclusion. In contrast, the EU influence was not so important in the fields of care and work/life balance since these two fields were already well regulated in the socialist and pre-EU period. The political achievement in these two fields in the last decade was the fact that the socialist heritage in access, quality and affordability of public care

services and work/life balance possibilities still persists despite the invasive neo-liberal ideology in government.

### **Intimate citizenship**

The influence of EU policies did not play a crucial role in the reproductive rights sub-issue as these rights were already granted in the pre-EU period and are actually a legacy of “state feminism” in socialism. The influence of international documents can be traced in connection to the child’s right to be in contact with both parents as the ratification of Council of Europe’s Convention on Contact concerning Children in 2002 led to changes in the Marriage and Family Relations Act. The role of EU cannot be denied in connection to same-sex partnership as well. Although the EU does not intervene in the family policies of its member states, regarding the developments in the field of same-sex partnership the EU’s anti-discriminatory measures (for example Article 13 of the Amsterdam treaty) and its recommendations in connection to same-sex partnership have served as good grounds for local LGBT non-governmental organizations as well as for the Ministry of Labour, Family and Social Affairs to introduce legislation on same-sex partnership. However after the change of the government in 2004 to a right-wing coalition, the fact that the EU is not regulating the family policies of its members also played an important role as the representatives of the right-wing government defended themselves by the argument that the EU is not obliging them to adopt any kind of legislation for same-sex partners. The right wing government therefore claimed that the fact that they adopted the Registration of Same-sex Partnership Act is a sign of their tolerance and progressiveness. Slovenia is in fact the only country in the world where legislation on same-sex partnership was adopted by the right-wing government (as the left-wing government failed to do so during more than 12 years of being in power).

### **Gender-based violence**

The most explicit influence of EU policies in the field of gender-based violence can be traced in connection to the Employment Relationship Act and its prohibition of sexual harassment in the work place as the Act was adopted due to the EU directive on non-discrimination in employment. In the case of prostitution, legal models of dealing with the issue adopted in Germany and Netherlands served as the basis for the decriminalization of prostitution in Slovenia. In connection to trafficking, the influence of international organizations such as the International Organization for Migration cannot be denied. Another palpable push came from the American State department and its fight against terrorism and trafficking. The reports of the State Department on Slovenia criticized the lack of action on the issue of trafficking in Slovenia.

Other international more or less indirect influences include United nation bodies, such as the UN Platform for Action and Convention on the Elimination of Discrimination Against Women, conclusions of the 23rd Special Session of the General Assembly of the United Nations entitled “Women 2000: Gender Equality, Development and Peace for the Twenty-First Century”, Beijing Declaration and similar declarations which Slovenia adopted, among them

the Council of Europe's declaration 'Parliaments united in combating domestic violence against women', ratified by the Slovenian parliament in 2007.

#### **13.4. Conclusion**

The history of endeavours for gender+ equality policies and measures in Slovenia is not clear cut. Although one can generally say that gender equality policies and feminism as such paved the way for the inclusion of other "personal circumstances" (such as disability, religion, ethnicity, sexual orientation etc.) into equality measures and policies, this was not always the case. For example, the Office for minority issues, precursor of today's governmental Office for National Minorities, was established already in 1959. Similarly, non-governmental organizations of disabled people have a long tradition, including the governmental Office for disabled people, established in 1994. The socialist heritage and the endeavours for equality through the worker's emancipation patterns cannot be denied as well. Regardless of what are or were the concrete achievements of these parallel endeavors, it is important to understand that equality issues were often simultaneously dealt with by different actors and their specific goals without coordination with others actors in equality issues. Having said that, however, it is also important to acknowledge the relevance of gender equality measures for other inequalities, especially in the Quing period. It is a common praxis today that gender equality is expanded with the inclusion of other inequalities (resulting in gender+ equality policies). It means that other inequalities are sometimes simply 'added' to gender inequality, which can consequently result in the loss (or lesser visibility) of gender specific issues (or specificities of other equality issues). On the other hand, the powerful endeavours for gender equality and its long history (including the state feminism in socialist times) sometimes contributed to "competition" over priority between different inequalities; one such example is the preservation of the right to abortion in the constitution (understood as a gender equality issue) at the price of omitting sexual orientation (for more on this see Introduction and Intimate citizenship).

It cannot be stated that the state independence (in 1991) and accession to the EU (in 2004) contributed to a dramatic change in governmental strategies on gender and gender+ equality policies as many gender equality measures were already in place in the socialist time. However both crucial moments provided better grounds for dealing with inequalities that were not sufficiently addressed before (particularly religion and to a certain extent sexual orientation, but also for others) or served as a platform for further developments of gender+ equality policies. The "formal" change in governmental strategies on gender+ equality policies can be dated in 2002 and 2004. The adoption of the Equal Opportunities for Woman and Men Act (2002) and the Implementation of the Principle of Equal Treatment Act (2004) set (additional) legal grounds for gender mainstreaming and gender+ equality policies. The government is now explicitly obliged by the law to take into account both of these Acts in all further policies and measures. However this is not to say that the Government did not pay any attention to these issues prior to 2002.