Quality in Gender+ Equality Policies

European Commission Sixth Framework Programme
Integrated Project

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Report Analysing Intersectionality
in Gender Equality Policies
for Slovenia and the EU

Institute for Human Sciences (IWM)
Vienna
2008

1. Introduction

The content, implications and the lack of intersectionality in Slovenian policy documents, analysed in Quing, are discussed in this report. The report deals with how inequalities and their intersections with gender (or other inequalities) are conceptualised in Slovenian policies in terms of their structure and mechanisms. The report explains to what extent context matters in the (re)production of inequalities and in the emergence of addressing intersectionality; it explains the implications that intersections of inequalities have on gender+ equality policies in Slovenia.

The report is structured as follows: the second chapter gives a theoretical introduction to intersectionality as understood in this research. Special focus, as an example, is given to intimate citizenship sub-issue. The following chapters present the range of meaning and definitions of gender+ equality in all four sub-issues, as well as the range of intersectionality in the four sub-issues and its implications. The concluding chapter presents the key changes in gender+ equality policies that have influenced both the emergence and the use of intersectionality in Slovenian gender+ equality policies.

2. Literature review – theoretical approach

A vast body of literature has been produced that addresses problematic issues with identity politics. But when it comes to minority issues, identity politics seems to remain strong. The politics is always done in "someone's name" – and the name is always connected to identity. Problems encountered by the Roma community are dealt with through "Roma politics"; gay and lesbian issues are dealt with in "gay and lesbian politics"; and women's issues are addressed in "women's politics". Common to all adjectives glued to the term "politics" – Roma, gay and lesbian, women (and others) – is the image of a unified group of people who allegedly share the same problem, experience the problem in the same way and in the name of whom the politics is being done and policies are being drafted and implemented. It is identity which "guarantees" that the problem is shared by all "members of identity group" and that the problem is experienced more or less in the same way. The endeavours for gay and lesbian marriage, for examples, give an impression that every single gay or lesbian wants to get married and faces problems due to non-legal recognition of same-sex marriages. Therefore the identity is the cause of the problem and the solution to the problem lies in politics based on this identity. In the name of the identity the policies are being planned and the political demands are being articulated in the name of the unified subject of that identity: the Roma, the Gay, the Lesbian, the Woman.

There seems to be roughly two general and interconnected problems with identity politics:

 a. the unification of the group
 b. the spillover of one identity dimension over other identities

The first problem – unification of the group – has been nicely addressed by Audre Lorde in the documentary movie Before Stonewall (dir. Greta Schiller, 1984). Lorde is discussing the interconnection of the black movement and the gay and lesbian movement and how the black movement contributed to the establishment of the gay and lesbian movement:

> "You need to begin with a movement, which is what Black Power and Civil rights movement was. Then immediately within it you will get those people whose differences are not being articulated. Which is us [gay and lesbians]. So there is immediately another step."

There seems to be a lot of such steps. In each unified identity group there is a possibility for another step … until the very last individual in that group. In the intimate citizenship context of our research, queer theory and queer movement have been successful in showing how gay and lesbian movement became unified and became represented by a unified image of white-middle-class-gay-man. This is the image that comes to mind when, for example, the media reports on the gay and lesbian movement and its political demands. Not only are lesbians less visible in this movement, so are non-white gay men (and all other identity positions). Rosenblum (1994), analysing American gay-related court cases, shows how gay and lesbian legal victories are potentially marginalising other queers because such victories "presume gay and lesbian identity to be fixed". Just like Crenshaw (1991) explains that black women often do not fit simultaneously into black and women's categories, …

"… poor, sexually subversive and other more marginalized queers are told to wait until the discrimination against them fits into a discrete category. It this manner, the courts create rules from these facts that reflect a lifestyle which many queers cannot or do not wish to live." (Rosenblum, 1994: 103).

Rosenblum (1994) outlines the following exclusions, which occur due to non-recognition or lack of addressing "queer intersectionality":

   a. class (The legal victories often depend of financial position in the best interest test. Gays and lesbians are, for example, awarded legal adoption of children due to their class position, while poor queers seem to be automatically excluded and denied the right to adoption)
   b. colour (As the legal cases she analysed didn't address race, one of the possible consequence is that "race neutral" gay and lesbian identities are actually constructed as white.)
   c. sexual subversives (In all the cases analysed the court used a heterosexual structure of a relationship as a form presupposing the presence of emotional ties. As the gays and lesbians were in long-lasting monogamous relationships this was understood as not endangering for children, while monogamy is understood as indicator of stability. Three-parent families, queers who are sexual subversives etc., are excluded: "Lesbian parents have rights only to the extent that their relationship exactly duplicates the traditional heterosexual two-parent model – two kids, two parents, living together, one works, one stays home, private school, dog and all.") (Clarence, 1993, quoted in Rosenblum, 1994:112).
   d. gender subversives (Similarly to the interpretation of sexual subversives as unwanted and a ground for not granting legal rights, those who do not subordinate to traditional gender roles seem be to excluded by the courts. In one court case, for example, the child was given to a gay man due to his "straight acting behaviour: the father's behaviour has been discreet, not flamboyant." (Rosenblum, 1994:113).

The problems of the gay and lesbian community are being presented and addressed as solely originating from the identity based in sexual orientation. Here sexual orientation becomes the spillover identity marker, erasing other identity markers such as gender, ethnicity, race, etc..

This is the starting point of Kimberlé Crenshaw's canonical text on intersectionality. She claims that the key problem with identity politics is the fact that such politics often conflates or ignores intragroup differences. For example, policies that address violence against women often address gender only. It could be that violence against women is shaped (or even primarily shaped) by (or also by) other inequalities, such as race, class, ethnicity, sexuality and so forth.

Does this mean that inequalities that emerge on different levels (gender, race, etc.) can simply be summed up in order to fully address the problem of inequality? Or do these socially and culturally constructed categories interact to create new situations or new realities? To put it differently: if we want to investigate inequalities faced by black women, do we separately address the inequalities faced by black persons and those faced by women; or does the intersection of these inequalities create a new reality that does not correspond to the separate "realities" of a "black person" and "women" together. This dilemma is nicely addressed by a black gay man Ronal Prince (quoted in Rosenblum, 1994:88): "A lot of times when you're black and gay, you don't know whether the discrimination is due to your blackness or your gayness."

Crenshaw (1991) is clear about this dilemma. She states that intersectionality establishes a "new reality". It means that we cannot look into dimension of race and gender separately if we want to capture the inequalities of black women. Socially constructed categories, connected to (and constitutive for) our identities, do not function independently of one another, but rather in an interrelated – or intersectional – way. Or, as Ronseblum explains: "Black women face discrimination both as Blacks and as women. They also face discrimination specific to their subject position, which cannot be analysed merely from a "Black" perspective or from a "women's" perspective." (Rosenblum, 1994:88)

This approach to intersectionality does not fully resolve the first problem – the unification of the group. Although the intersectional approach addresses the interrelation of two (or more) social categories, it

seems that it again tends to create unified categories. Instead of women, black women or black lesbian women are not addressed separately, but the differences within these groups might remain unaddressed. On the other hand, it seems that continuous division of identities into smaller pieces will not stop until only the individual remains as a subject of politics. This, however, is very problematic in the context of the "representational politics", practiced in democratic political systems; claims for rights are based on groups of individuals.

Rosenblum's suggestion to understand "identities" as a continuum might be applicable here. Using Adrienne Rich's concept of lesbian continuum[1] (1993) suggests we address intersectionality (in the context of gay and lesbian politics) through a queer continuum, which represents "the range of sexual identities which subvert compulsory heterosexuality" (Rosenblum, 1994:90). Queer continuum prevents us from creating a unitary queer identity, just like other continuums – by "continuuming" the fixed identities – would address intersectionality.

Crenshaw (1991) distinguishes between three types of intersectionality:

    a. structural intersectionality
    b. political intersectionality
    c. representational intersectionality

Structural intersectionality points out that the structural context of a certain identity position needs to be addressed in order to fully grasp the inequality position. Crenshaw, for example, writes "intervention strategies based solely on the experiences of women who do not share the same class or race will be of limited help" (p.358) as people are situated in different economic, social and political worlds.

Political intersectionality refers to different political agendas of movements, to which a person simultaneously belong. These agendas might be in conflict or might reflect the experiences of those who are not intersected with other inequalities. Crenshaw, for example, outlines that black women are situated on one hand in the context of anti-racist strategies, which are determined by black men, and on the other hand in anti-sexist strategies, which are determined by white women.

While the first two types of intersectionality are related to social structures and political agendas, representational intersectionality frames both of them through the issue of discourse. "When one discourse fails to acknowledge the significance of the other," writes Crenshaw, "the power relations that each attempts to challenge are strengthened" (p.360). The above mentioned gay and lesbian community, where media portraits such community through images of (married?) white gay couple, while issues or racism and sexism – although closely interrelated to homophobia – are ruled out, constitutes a clear example of Crenshaw's discourse failure..

The three types of intersectionality, outlined by Crenshaw, can be understood as a cyclic three level construction of identity.[2] The structural level represents "the reality and its problems" (for example: non-legal recognition of same-sex couples). On the structural level this issue is recognised (and constructed, through media discourse, for example) as "the reality" of the gay and lesbian community. The problems, recognised on the structural levels, are translated into "political actions and demands", such as lobbying, preparation of bills and similar. The political action is accompanied by its representations in – for example – media discourse. Through this process, the identity of the political subject is constructed (and reconstructed).

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[1] Rich argues that 'to equate lesbian existence with male homosexuality because each is stigmatized is to erase female reality once again.' (Rich, 1993: 237).
[2] The idea, sketched by Vlasta Jalušič, is an outcome of discussions on intersectionality among the Peace Institute's Quingers.
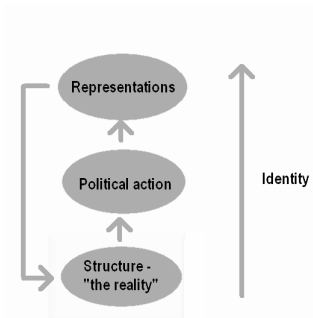
Picture 1 – Cyclic three level construction of identity

While in the context of identities, intersectionality aims at pointing out the "un-clarity" of identities – meaning that there is no unified omnipresence identity of a certain group – there is a danger that "intersectionalised identities" will again be constructed as "fixed identities". Instead of introducing, for example, gay people, the intersectional approach will introduce "black gay people" "disabled gay people" etc., but again in a fixed way. The fear of creating new typical fixed intersectional identities, such as "migrant women", is even greater in the context of representative democracy, in which fixed identities represent the mechanism of "addressing". Political demands are addressed "in the name of …". Therefore the problem (or better: elements of the original problem) seems to remain. The question is, how do we deal with fluid identities? Or better yet: how do we deal with representative democracy?

3. The range of the meanings or frames concerning gender equality in gender+ equality policies

Gender+ equality policies in Slovenia

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 legislation, policies and practice have 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 subordinate to the ideology of class liberation, 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, the one-party-state-feminism structure of the state 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 relatively high participation of women in the labour market. Various features of the system, such as full-time employment, security of jobs, protective legislation for women, paid maternity leave, and 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* (CEDAW). The socialist gender regime in Slovenia even adopted constitutive reproductive rights (including abortion on demand) in 1974, and the Slovenian Penal code from 1977 (but not the federal Yugoslav) defined rape in and out of heterosexual wedlock as a criminal offence and decriminalised male homosexuality (female homosexuality was never criminalised in the first place).

During the 1980s, in particular 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, the state feminism encountered an "opposition" and the establishment of a new political agenda. The social movement 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. Thanks to the women's movement's fights around the new Slovenian constitution in 1991, reproductive rights were 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 became not to be overlooked policy issues. This was not only due to the EU integration incentives, but both were 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 the transition to post-socialist circumstances.[3]

The meanings and practices of gender+ equality policies

Eight documents have been analysed in relation to gender+ equality policies. These documents mainly focus on diagnosis, while prognosis is usually not addressed.

In the context of the legal documents, the problem of gender inequality is explained as a consequence of traditional and historically conditioned social roles. The texts generally do not define responsible or active actors in the problem definition. Likewise, diagnosis is usually very poor, while the explanation of prognosis is more extensive.

To deal with the problem, the analysed Slovene documents (*Equal Opportunities for Women and Men Act* and the *Implementation of the Principle of Equal Treatment Act*) define concepts of what constitutes discrimination (machinery documents), define general and special measures for the improvement of the position of women and measures for the creation of equal opportunities for women and men. The principle guiding these goals is equal treatment regardless of gender, nationality, race or ethnic origin, religion or belief, disability, age, sexual orientation or other personal circumstances.

Legislation and machinery policy documents analysed (*Resolution of the National programme for Equal Opportunities for Women and Men* and the *Governmental Periodical Plan for the Implementation of the National Programme for Equal Opportunities for Women and Men*) define the problem of gender inequality in similar terms as the legal documents (laws). The problem is defined as a consequence of traditional structures that privilege men over women and therefore create unequal distribution of power. The main problems women face are violence, trafficking in human beings, inequality in employment, traditional stereotypes and the bad situation of elderly and minority women.

While women are usually defined as passive actors, active actors are rarely named. The proposed solutions are mainly related to the introduction and integration of principles of gender equality and equal opportunities through gender mainstreaming and special measures into all spheres of human life: work and employment, health care, social welfare, education, political participation, decision making and gender relations. To achieve this goals, education and training of cadres to produce better knowledge is necessary as well as collaboration between different administrative levels for better integration of these principles in policy making and policy implementation. The definition of actors to be subjected to this kind of training and educational measures is presented in the machinery texts.

Parliamentary debates on gender equality differ on the specificity of the legislative document discussed. According to some speeches the *Equal Opportunities for Women and Men Act* is only declarative and has no effective means of implementation and does not aim at real achievement of equality, in short, it is unnecessary. Inequality of men is also mentioned, as regards inequality in cases of support of children and inequality in some professions that are dominated by women. On the other hand, the Act is seen as very necessary until social (gender) roles of men and women are changed.

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[3] Kuhar, Roman, Vlasta Jalušič, Majda Hrženjak, Marja Kuzmanić, Deliverable No. 19: Series of timelines of policy debates in selected topics: Slovenia.

As far as the machinery legislation document (*Implementation of the Principle of Equal Treatment Act*) is concerned the same pattern is present. Some speakers see it as unnecessary as it does not aim to solve problems of disadvantaged groups such as children, families, workers and small entrepreneurs but only focuses on rights of minority groups like gays and lesbians. Children, families, workers are seen as passive actors, while a definition of responsible actors is not provided. The focus on diagnosis is clear. Other voices stress the importance of the Act to prevent discrimination since in the Slovene society intolerance towards minority groups of all kinds is widespread. More passive actors are defined (minority groups) which points towards the existence of an intersectionality dimension.

The civil society texts criticise and point to deficiencies of national policies. In the legislative part, the texts identify main problems and reasons for which the implementation of national policies is unsuccessful, that is: abolishment of political bodies that deal with gender equality and insufficient budgetary funds. Measures against prejudices against women, against trafficking in human beings, against low political participation and representation, and against domestic violence are ineffective and therefore new policies are needed. While the texts focus on diagnosis and prognosis to the same extent, responsible actors for the problems are rarely identified. In the machinery part, the civil society texts propose actions and possible strategies for implementing equal opportunities. The problem can be solved with awareness raising, education, training and more cooperation between governmental and local communities with civil society and NGOs.[4]

Non-employment policies in Slovenia

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.

In the beginning of the nineties, the change in the political and economic systems caused huge upheavals in the economic system. The former Yugoslav markets were gone, the economy before independence was run poorly and the introduction of the market economy all contributed to the fact that many companies went bankrupt or were reorganised, which causeed a rapid increase in the number of unemployed. The increasing 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 to predominantly hire people 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 *Program of Active Employment Policy Measures*. The program, which is prepared annually, has been carried out since 1991, although, as Svetlik in Batič (2003) writes, such measures were constructed already 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 their living and to stay active. The program 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 about vacant posts to all registered unemployed persons and provides assistance in the form of forwarding jobs through inclusion in active employment policy programs 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 programs. 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 programs. It also includes promotion of self-employment, training employment of disabled persons and the subsidising of companies that employ disabled persons, and public works, which provides many unemployed persons with minimum social security.

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[4] Kuhar, Roman and Ana Frank, Deliverable No. 40: Series of LARG Country reports: Slovenia.

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, affirmative actions 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 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.

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, introducing paternity leave and part-time work 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, public and private child-care systems, health insurance and similar. However, care for elderly 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 the public agenda and embedded into legislation, however there is still 8% disparities (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 disability insurance system. (5) Access to the labour market. There have been policies and legal acts adopted promoting the 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.

The most important shifts in gender+ equality policies in the issues of non-employment in the period 1995 – 2007 in Slovenia were provisions related to working permission for refugees and asylum seekers and the right to 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 novelties have been introduced: a parental right to part-time work until the child reaches three years of age and a father's right to paternity leave. The salient and very disputable topic is the equalisation of the retirement age for men and women in the framework of pension reform. The introduction of gender segregated statistic on wages is an important achievement of the social partners/social dialogue (here trade unions and 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 however not publicly debated to any large extent but mainly present in some (feminist) expert circles, are related to: the paternity right, which should be 100% financially compensated in order to achieve its target; the feminization of the right to part-time work until the child reaches three years of age; and equalisation of the retirement age for women and men. It is claimed that the equalisation would discriminate against women.[5]

The meanings and practices of non-equality policies

Looking at the content of the diagnosis of the analysed non-employment texts, a vast variety of problems are identified. Among the 47 different problems listed, there are five major issues addressed. The first set of problems relate to the (1) pay gap. The second set combines issues related to (2) discrimination at the work place, including violence (bullying), and sexual harassment. The third set of problems, addressed in non-employment texts, relate to (3) work/life balance and reconciliation of the two realms, including the problematic Sunday work, child care and care work, parental leave, professional degradation after maternity leave and similar. The texts also address (4) pension issues, including gender inequality in pension legislation, (5) unemployment, including unemployment of people with high education levels, unemployment of young people, women, long-term unemployed and similar. This set of problems also addresses vertical and horizontal segregation and structural unemployment.

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[5] Kuhar, Roman, Vlasta Jalušič, Majda Hrženjak, Marja Kuzmanić, Deliverable No. 19: Series of timelines of policy debates in selected topics: Slovenia.

The solutions proposed are more general: changing of legislation, guaranteeing of rights, equal opportunities of men and women and similar.

Among the 19 super-texts produced within the four sub-issues in non-employment, there are differences concerning the balance of diagnosis and prognosis. Similarly as in all other issues, the non-employment law texts do not provide any diagnosis. Furthermore, the prognosis is generally degendered, except from one in the sections on paternity leave.

Diagnosis and prognosis are generally well balanced in governmental policy plans. Still there are a few exceptions worth mentioning: *The program of the active politics of employment for the period 2007-2013* recognizes the increase in women's unemployment rate as one of the core problems of the Slovenian labour market in the diagnosis. However in prognosis women are not addressed as a specific target group. Similarly *Resolution on the national programme for equal opportunities for women and men 2005-2013* is well balanced between diagnosis and prognosis, but does not allocate a budget for carrying out the activities and there are no stipulated sanctions for not carrying out the identified prognosis.

It seems that diagnosis and prognosis in parliamentary debates are more often balanced, or are balanced to a higher degree than is the case in other issues, especially intimate citizenship. Still, the blurring or absence of prognosis exists in parliamentary debates, while the diagnosis is often clearly defined and explained. An interesting example occurs in the parliamentary debate on *Pension and Disability Insurance Act* where an oppositional MP from the Social Democrats first acknowledges gender inequality in pension rights, while in his prognosis gender equality as a problem (and its solution) disappears.

In the analysed civil society texts, prognosis and diagnosis are generally balanced, but a gender dimension is often missing. In the two analysed leaflets (one on family friendly enterprises and one on fostering caring masculinities), gender equality is poorly addressed or not mentioned at all. Similarly, intersectionality is completely overlooked – there is no reflection over how different social groups can afford work/life balance measures.[6]

Intimate citizenship policies in Slovenia

The most important sub-issues for the Quing project within intimate citizenship are (1) reproductive rights. There have been policies and legal acts adopted on abortion, infertility treatment, artificial insemination and similar; (2) partnership. There have been no major changes in policy/law on heterosexual partnerships, while same-sex partnership was in the front of public debates and was finally legally recognised; and (3) parenthood and family.

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 divorce and the legal recognition of recognised same-sex partnership.

In the field of reproductive rights, the right to abortion was preserved (as it was guaranteed already in 1974) despite the continuous appetites from conservative and church influenced parties to abolish or limit the right. The most important dispute over this right was whether an embryo is a human being or not or when does it becomes one. Since 2001 the right to artificial insemination is available only to those women who are in a heterosexual relationship, while this right was 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. Iin the public debate, lesbians were often said to be dangerous to children (as the child would not be raised in a "normal" family); disabled women were said to be of "bed genetic material" and therefore would reproduce their disability; and single women were blamed for not being able (or not wanting) to be in a relationship with a man. It was such intolerant, racist and homophobic discourse – coming from the general public and from some political

[6] Kuhar, Roman and Ana Frank, Deliverable No. 40: Series of LARG Country reports: Slovenia.

parties – which shaped the discussions about the law and eventually led to public referendum and its negative result.

Within the context of marriage and divorce, some legal measures were taken to penalise those parents (primarily fathers) who are not paying child maintenance after the divorce. Since 2004 non-paying 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 greater 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 as partners 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 a few 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 recognise registered partners as next-of-kin (as relatives), while a majority of social, pension and similar rights are connected to the status of next-of-kin. On the symbolic level, the law uses the term "to register" which – in Slovenian language – is used for registration of cars (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 most important disputes over this legislation.[7]

The meanings and practices of intimate citizenship policies

Looking at the content of the diagnosis of the analysed intimate citizenship texts, one can find a vast variety of identified problems. Among the 128 different problems listed, there three major issues are addressed. The first set of problems relate to the (1) position of children after their parents' divorce. This includes problems connected to alimony, father's rights, and the work of courts and similar. The second set of problems is related to (2) natality (birth rate), including the problems addressing bearing children, artificial insemination, abortion, definition of the beginning of a life and similar. The third set of problems is related to (3) same-sex partnership. This includes the issues of the legal recognition of same-sex partnership and the discrimination gays and lesbians face in everyday life. Additionally, all three sets of problems are intersected with problems, occurring due to the (4) insufficient legislation and (5) insufficient cooperation of the government with the civil and expert society.

There are not many policy plans related to intimate citizenship in Slovenia. There was only one such plan available and analysed. It addresses the strategy for the fertility increase. The diagnosis part is not as elaborated as the prognosis part, partly because the very detailed listing of proposed measures in the prognosis. However the document is well structured in defining the problems and then listing the possible solutions to these problems. However the analysis showed that the "problem" of this particular governmental plan lays in the content of the proposed solutions: these solutions often run against women's human rights, which are already guaranteed in Slovenian Constitution.

A very clear pattern occurs if we take a look at the relation between diagnosis and prognosis in the parliamentary debates. The diagnosis part – the listing of the problems – is generally very detailed and explored, while the prognosis part is less structured, more general or even absent. While there were 33 different problems defined in 3 parliamentary debates analysed (8 supertexts), the same debates offered only 11 solutions – the majority of them proposing either an adoption/non-adoption or an amendment of a law.

The same pattern occurred in the analysed civil society texts. All three analysed texts include extended lists of problems – 69 all together – while the prognosis part is much weaker and more general. These texts propose 6 rather general solutions/policy actions, such as equal treatment, an update of services and amendment of legislation.[8]

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[7] Kuhar, Roman, Vlasta Jalušič, Majda Hrženjak, Marja Kuzmanić, Deliverable No. 19: Series of timelines of policy debates in selected topics: Slovenia.

[8] Kuhar, Roman and Ana Frank, Deliverable No. 40: Series of LARG Country reports: Slovenia.

Gender-based violence policies in Slovenia

The sub-issues, most important for the Quing project within the gender-based violence issue are (1) 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 criminalisation of its perpetrators, for protection of victims of violence and for promotion (social and economic) of those who have experienced domestic violence. (2) prostitution and trafficking. There have been policies and legal acts adopted legalising prostitution and criminalising trafficking. Special measures have been adopted for the protection of/help for victims of trafficking in human beings. (3) sexual harassment. Several awareness raising actions for the prevention of sexual harassment took place in Slovenia in the past years. These actions were accompanied with legal provisions for the prevention of sexual harassment.

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 approaching a specified place or person. Women's NGO argued for such change of the *Police Act* already during the nineties, but the amendment which entitles the 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 decriminalisation of prostitution in the introduction of legal provisions against trafficking in human beings. Amendments to the Penal Code in 2004 introduced provisions for the prevention and punishment of trafficking. Besides non-governmental initiatives, one of the crucial roles in the combat against trafficking is played by the I*nterdepartmental 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. It 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 was until recently the lack of a comprehensive *Family Violence Act*. While domestic violence is implicitly criminalized in Penal Code since 1995 and explicitly penalized in Criminal Offences against Public Order and Peace Act since 2006, there is still no National plan on combating domestic violence. With the change of the government in 2004 the Minister of work, family and social affairs claimed that we shouldn't talk about family violence at all as it sheds negative light on the institution of 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, which was adopted in February 2008.

Other controversies are connected to the work of policemen and policewomen. In the case of domestic violence police intervenes 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 organisations claim that the lack of clear rules results in different outcomes; sometimes the police does not intervene although it is needed.[9]

The meanings and practices of gender-based violence policies

12 documents have been analysed and 14 supertexts produced. There are no clear similarities or differences between prognosis and diagnosis of documents in different sub-issues. We can only identify longer prognosis in policy plans in all sub-issues. Legal texts in all sub-issuess stress the importance of efficiency, protection and help, and human dignity. They rarely define active actors or passive actors in diagnosis - definition of the problem. However, they do define the active actors/responsible and target groups in prognosis.

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[9] Kuhar, Roman, Vlasta Jalušič, Majda Hrženjak, Marja Kuzmanić, Deliverable No. 19: Series of timelines of policy debates in selected topics: Slovenia.

Policy plan texts usually have longer prognosis than diagnosis, or lack diagnosis completely (one document in trafficking in human beings section) or lack prognosis (trafficking in human beings section). Policy plans define passive and active actors in a gendered manner in diagnosis, where passive actors are usually women and children and active actors are usually men. Policy plans define target groups in a degendered manner. Policy plans usually stress the importance of awareness raising and human dignity, in some cases the importance of assistance and protection of victims is stressed.

Parliamentary debates have no clear pattern of balance between prognosis and diagnosis. Parliamentary texts stress the importance of awareness raising, education, human dignity and efficiency. Parliamentary debates define active actors in a degendered way while passive actors are gendered and rarely intersectionalised. Target groups in prognosis are intersectionalised but degendered. Responsible actors are mainly defined as institutions (state, civil society and market).

Civil society texts have no clear difference between diagnosis and prognosis. They are quite balanced. Civil society texts too highlight the importance of awareness raising and human rights and dignity. Active actors in diagnosis are defined in a gendered and intersectionalised way (age, citizenship status). The same goes for passive actors. Target groups in prognosis are gendered (mostly women) and intersectionalised (age, citizenship status). Responsible are usually institutional actors from all spheres (polity, market, intimacy and civil society) and they are defined in a degendered way.[10]

Summary and comparison[11]

General gender+ equality

How is gender equality named?

Equality through sameness and transformation is the most invoked vision of gender equality in the analysed texts . Gender equality is defined as equality between men and women, while "equal treatment" is the name of the "mechanism", which on one hand represents gender equality and on the other represents the way to achieve gender equality. More specifically, the problems most often named in the general gender+ equality are: violence, trafficking in human beings, inequality in employment, traditional stereotypes and the bad situation of elderly and minority women. All of the most often named problems relate to women.

There are different interpretations of what the cause of gender inequality is. Governmental policy plans define it as a consequence of traditionally and historically conditioned social roles of women and men, while civil society texts mainly stress the inefficient legal and policy changes in terms of gender equality.

What does gender mean in gender equality policies?

As already mentioned, in general gender+ equality policies, gender equality is defined as equality between men and women. This is most clearly presented in the adoption of the *Equal Opportunities for Women and Men Act*. In this context the inequality between men and women is interpreted as a consequence of social structures which privilege man over women and therefore create an unequal distribution of power. While men and women are mentioned explicitly on a declarative level (for example in the name of the Act), it is understood that "gender" actually means (in most cases) "women" – that is, an improvement of women's positions in the society in order to gain gender equality (=same social positions as men).

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[10] Kuhar, Roman and Ana Frank, Deliverable No. 40: Series of LARG Country reports: Slovenia.

[11] This chapter is drawn on conclusions from Kuhar, Roman and Ana Frank, Deliverable No. 40: Series of LARG Country reports: Slovenia.

Is gender equality de-gendered? In what ways?

General gender+ equality is generally not degendered. However the usage of the term "equal opportunities" – which does not include only gender but also other "personal circumstances" point to on one hand degendering process of gender equality policies, but at the same time the recognition of other inequality levels can be interpreted as a general step towards intersectionality.

For whom is gender equality to be achieved?

Generally (and declaratively) target groups of general gender+ equality policies are men and women. However policies are primarily aimed at "disadvantaged groups", which means that men are not addressed on the same level as women. The policies are therefore mainly (but not exclusively) aimed at women, but also at young people (including young women) and children. There are also a lot of institutional target groups such as governmental bodies, cadres, decision makers, ministries, local communities, police, judiciary, social workers, teachers, (women's) NGOs, female representatives of local communities and similar. They are considered target groups in order for equal opportunities between women and men to be put forward in all walks of life.

By whom is gender equality to be achieved?

Among the responsible actors, the institutional actors are mentioned the most often (government, governmental bodies, ministries, local communities, parliament, educational institutions – all actors involved in policy-making and policy implementation). Civil society actors like trade unions, experts, media and NGOs, market actors as businesses and employers are also mentioned. Individual actors or person in particular is mentioned very rarely – if they are, it is most often the Advocate for Equal Opportunities or Ombudsman. The responsible actors are occasionally gendered (female representatives of local communities and women NGOs).

Where are the demands for gender equality coming from?

The source of demands for gender equality depends on the type of the text analysed. In the context of civil society texts, the most often represented voices are those of feminists or women's NGOs. The non-governmental organisations usually voice a clear critique of governmental policy plans and recommends measures to improve the situation in policy implementation. Voices articulated in laws and policy plans are the Parliament, the Government and the Office for Equal opportunities.

Is gender equality a means or an end?

Gender equality in general gender+ equality texts is mostly seen as an end in itself and in some cases only as a vision. Only one document, the policy plan in the machinery part, sees gender equality as a balance between means and ends and between vision and strategy.

Is gender equality present in policy, but made invisible?

No.

Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth?

The most often appearing frame in almost all analysed documents is "equality" and to a lesser extent "human rights", "economic development", "crime and justice".

Non-employment

How is gender equality named?

In a majority of the non-employment texts, gender equality is not addressed as a relevant issue. When it does occur it is primarily seen as a strategy in equal treatment (and an end in itself) rather than as a 'special programme' or 'transformation'.

What is included in various definitions of gender equality policy?

Looking at the content of the analysed texts, gender equality policies include the following policies: policies on pay gap, policies on abolishing discrimination at the work place, including violence (bullying), and sexual harassment, policies addressing work/life balance and the reconciliation of the two realms, including the problematic Sunday work, child care and care work, parental leave, professional degradation after maternity leave and similar. Gender equality policies also include pension issues, including gender inequality in pension legislation, and unemployment, including unemployment of people with higher education, unemployment of young people, women, long-term unemployed and similar. In this set of problems vertical and horizontal segregation and structural unemployment are also addressed.

What does gender mean in gender equality policies?

Gender in gender equality policies in non-employment means both women and men. In most cases the target is constructed in a degendered way. Rather than gender, age, employment status, parenthood, and education – the intersectional levels – play a crucial role in gender+ equality policies.

Is gender equality de-gendered? In what ways?

Gender equality in non-employment is de-gendered. Sometimes, however, policies specifically aim at "unemployed women", the term most often used (especially in non-civil society texts) is unemployed persons (including unemployed elderly, unemployed parents, unemployed young people etc.). The "unemployed" category of passive actor is therefore constructed in de-gendered way.

For whom is gender equality to be achieved?

37 different target groups are identified in the analysed text. Most of them are non-institutional actors and few institutional actors are mentioned: public administration, state organs, and enterprises. However, these are not the most often mentioned target groups. There are two groups that most policy actions target: employers and parents (including parents of disabled children, young unemployed parents, and families). The third largest group targeted by policy actions women, followed by the group of unemployed persons. Some actions also target men (including working fathers), Roma people, elderly, victims of violence, disabled, and homeless persons.

The same target groups are listed in the objectives, where two additional groups emerge: legal immigrants and pensioners. Pensioners are mentioned in relation to amendments of the insurance and pension system, although these policy actions more generally target "all citizens". Immigrants are targeted to in relation to the empowerment of those people who are users of social security services.

More than half of the target groups listed are constructed in an intersectionalised way –by intersecting gender, age, parenthood, ethnicity, disability and/or social status.

By whom is gender equality to be achieved?

In the context of responsible actors there are only institutional actors listed. Approximately half of the texts analysed mention the Government of Slovenia or its institutions, ministries and offices as the responsible actor for policy action. Other references include employers (Slovenian employment agency, concessionaires, etc.), trade unions, and non-governmental organisations. There is only one mentioning of non-national actor: European Confederation of Trade Unions. It is mentioned in the civil society text (by Association of Free Trade Unions of Slovenia) in relation to guaranteeing the representation of women in trade union's organs according to their share in membership.

There are some recognisable differences in the naming of the responsible actors across the different types of texts analysed. Law texts and parliamentary debates most often mention Government of Slovenia as the responsible actor, civil society texts see employers as the most responsible (but also puts a lot of attention to governmental bodies, ministries etc.), while governmental plans span across different types of responsible actors, including government, employers, non-governmental organisations, families and individuals.

It seems that all types of texts (and its authors) see the Government of Slovenia as the responsible actor for the proposed policy actions.

Where are the demands for gender equality coming from?

The voices in laws and policy plans are institutional voices. The texts are produced by ministries, the Office for Equal Opportunities or the by government. Texts produced by civil society are written by trade unions or by EU funded research/activist projects.

Looking specifically into the four types of documents, produced by different voices, it can be said that civil society voices identify proportionally the longest list of problems, while other voices are more restricted in this regard, although voices in the policy plans (and to a lesser extent voices in parliamentary debates) also generate extensive list of problems. When looking at the proposed policy actions, the picture is reversed: voices in governmental plans define a lot of policy actions, while civil society voices list fewer actions.

There are some discrepancies in the content of problems produced by the different voices. While civil society voices point at a variety of problems, ranging from pay gap, sexual harassment, discrimination, work/life balance, vertical and horizontal segregation, the voices in policy plans mainly acknowledge problems related to unemployment, including the recognition of women as vulnerable passive actors in unemployment. The voices in parliamentary debates centralise around pension issues and some other rights related to work (this is of course due to the content of the laws that were debated in the parliamentary debates).

Is gender equality a means or an end?

In the majority of the non-employment texts, gender equality is not addressed as a relevant issue. When it does occur, it is addressed as a strategy in equal treatment and an end in itself.

Is gender equality present in policy, but made invisible?

Yes, to certain extent. The policies aimed at "unemployed persons" are implicitly aimed at women as they represent an important share of unemployed persons. However, the policy is not named as such (policy for unemployed women) because it is also aimed at other categories of unemployed persons.

Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth?

The policy issues of non-employment are broadly framed as either "equality", "economical development", "capabilities/well-being" or "health". These frames seem to be more or less equally distributed across all the analysed sub-issues in non-employment. All the analysed texts call for action on a national level, but none of them suggests consultations with civil society.

Intimate citizenship

How is gender equality named? What is included in various definitions of gender equality policy?

Gender equality is rarely used as a concept in intimate citizenship issues. It occurs most explicitly in policies addressing (single) women (bearing children, artificial insemination, abortion etc.) and the position of children after their parents' divorce. It is named as equal access to children. It includes problems connected to alimony, father's rights, and the work of courts and similar.

The next set of problems is related to same-sex partnership, where gender equality is not at all mentioned. Instead of the term gender, sexual equality between different sexual orientations is employed. However, when gender is used, it is used in a de-gendered way – for example that gender should not play any role in the right to marriage. These issues include the legal recognition of same-sex partnership and the discrimination gays and lesbians face in everyday life. Rather than gender equality, the policies are framed as human rights policies.

What does gender mean in gender equality policies?

In the context of intimate citizenship and gender equality policies, gender most often refers to parents (as a degendered category), mothers and fathers (as gendered categories), and to women (single women, mothers, women in need of artificial insemination). Furthermore, gender resonates in anti-discrimination policies as policies aimed at gays and lesbians. Gays are mentioned more often (sometimes also meant as including lesbians), while there is no mentioning of transgender people, not even in the civil society texts.

Is gender equality de-gendered?

Not generally, but primarily degendered in policies addressing parents.

For whom is gender equality to be achieved?

The target groups of the policy actions are mainly non-institutional actors. In the context of intimate citizenship, most of the policy actions target parents, including divorced parents, non-custodial parents and more gendered categories such as mothers and fathers. The second target social group is family, followed by children and women, including pregnant women and infertile women. Generally, one could conclude that majority of policy actions target families, including parents and children and these groups are most often mentioned in governmental policy plans. 'Gays and lesbians' as target group play a minor role. Most of the actors in target groups are constructed in an intersectionalised way – by intersecting age, parenthood, marital status or sexuality.

By whom is gender equality to be achieved?

In the context of responsible actors, the institutional actors are mentioned most frequently. Approximately two thirds of the texts analysed mention the Government of Slovenia or its institutions as the responsible actors for policy action. Other references include experts or expert commissions (in the texts on medically assisted insemination), courts and centres for social work. Civil society actors are not mentioned, and there is only one mentioning of a non-national actor: Human Rights Committee of the Council of Europe. There are no significant differences in the naming of the responsible actors across the different types of analysed texts .

Where are the demands for gender equality coming from?

As one might expect, the voices in laws and governmental plans are institutional voices. These texts are produced either by the ministries or by the government. Texts produced by civil society are mostly in the domain of women. They are either produced by women's or lesbian organisations, or by female persons. In fact, there is only one exception: Stojan Jež, the author of the text *Complaint related to the infringement of the human rights of citizens in Slovenia*, in which he argues for the human rights of non-custodial parents (mostly fathers). As to the gender of the voices in the parliamentary debates, one cannot say that intimate citizenship issues are women's issues. In the analysed texts, the number of male and female MPs is balanced. However having in mind the under-representation of women in the Slovenian parliament, one can say that female MPs more often discuss intimate citizenship issues in the parliament than men MPs.

Is gender equality a means or an end?

In a majority of the intimate citizenship texts gender equality is not addressed as a relevant issue. When it does occur, it is most often seen as a strategy, while the understandings of gender equality as sameness and as transformation are more or less balanced across the texts.

Is gender equality present in policy, but made invisible?

No.

Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth?

The policy issues of intimate citizenship are broadly framed as either "equality" or "human rights" issues. However the "capabilities/well being" frame is also very relevant across the texts, mainly in connection to same-sex partnership (legalisation of such partnership would enable gay and lesbian couples to exercise social, health, pension, tax and similar rights, which are conditioned with being in a next-of-kin type of relation) and family. As expected the "health" frame is relevant in policy debates on biomedically-assisted insemination.

Gender-based violence

How is gender equality named?

In gender-based violence, gender equality is most often (implicitly) understood as protection of victims of violence (women) and successful prosecution of perpetrators of violence (men). Policy plans, for example, usually stress the importance of awareness raising and human dignity, in some cases the importance of assistance and protection of victims is stressed. The same goes for civil society texts, which also define the importance of awareness raising and human rights and dignity.

Gender equality in the sense of equal opportunities, as it occurs in non-employment, very rarely occurs in the context of gender-based violence.

What is included in various definitions of gender equality policy?

The prevention of violence, protection of victims and persecution of perpetrators is at the core of the gender equality policies in gender-based violence. This holds true for domestic violence and sexual harassment as well as for trafficking in human beings.

What does gender mean in gender equality policies?

In most of the cases, gender equals women in the context of gender-based violence.

Is gender equality de-gendered? In what ways?

It is not. Active and passive actors in the texts analysed are mainly gendered. However it is true that some documents – mainly policy plans and to a certain degree parliamentary debates – address the above mentioned issues by using degendered terms such as "victims" and "perpetrators".

For whom is gender equality to be achieved?

There is a variety of named target groups. Target groups are rarely institutional actors. Victims, perpetrators, children, parents, asylum-seekers, restaurant staff, teachers, pupils, public, journalists, experts, judges, workers, unemployed, Ombudsman, persons with disabilities, potential victims, aliens … are the most often mentioned target groups of policies in gender-based violence.

The documents stress the importance of education and information on gender based violence, which are preconditions for prevention. Help is also stressed.

By whom is gender equality to be achieved?

Gender equality is generally to be achieved by institutional actors. They are usually state institutions, sometimes civil society institutions such as NGOs and religious communities. Market responsible actors (company) are rarely addressed and if they are, it is only in the sexual harassment sub-issue. Responsible actors are occasionally persons, but usually defined in plural so no special personalisation or clear person responsible is present in the sub-issues. People as actors are mainly defined in the sexual harassment sub-issue (directors, advisors, employees, work colleagues, leaders, assistant managers, supervisors and victims of sexual harassment) and trafficking in human beings sub-issue (experts). The media, teachers and parents are addressed in the domestic violence sub-issue.

The responsible actors are presented in degendered way.

Where are the demands for gender equality coming from?

As expected, demands for gender equality mainly come from non-governmental organisations dealing with prevention of violence. There are also some other voices present, the voice of the Office for Equal Opportunities being the most articulated one. Such demands are also coming from Interdepartmental working group (Parliamentary Commission for Petitions, Human Rights and Equal Opportunities) and the Parliament.

Is gender equality a means or an end?

In the texts where gender equality appears, it is only seen as a means rather than an end, and more as a vision than a strategy. Transformation is the sole vision and equal treatment is the strategy.

Is gender equality present in policy, but made invisible?

Yes, to a certain degree. Prevention of violence, for example, is not necessarily named as "gender equality" – although the policies aim at gender equality.

Are the core issues in gender equality represented in adjacent frames such as human rights, justice, or economic growth?

The most often occurring frame, is crime and justice. Human rights as a frame is also invoked in some documents. In one document – parliamentary debate in domestic violence – the frame is family values.

4 The range of intersecting inequalities

The most general comment one can give on intersectionality in Slovenian policy documents is that intersectionality is not addressed much. It occurs sporadically rather than in a focused and intentional way.

In the context of general gender+ equality policies, the most often occurring intersecting inequality is age – for example older women or young women, but there are other occurrences where gender intersects with inequalities such as class, nationality, citizenship and migrant status and very rarely marital status. Among the listed intersected identity positions are homeless mothers, minority women, young females job seekers, young mothers, older women and similar – but most of these identity positions are mentioned in one parliamentary speech. Intersected identities are therefore not in the forefront of Slovenian gender+ equality policies.

In the context of intimate citizenship policies, sexuality and marital/family status (including parenthood) are among the most often listed inequalities intersecting with gender, but there are also some occurrences of intersectionality between gender and age (especially in the context of artificial insemination). The intersecting identity positions include gays and lesbians, single women, mothers, pregnant women, young mothers and similar. Some intersected identity positions are constructed in a de-gendered way, such as non-custodial parent, divorced parent etc.

In the context of non-employment most of the passive actors are constructed in an intersectional way – the most often occurring intersecting levels are age, disability, employment status, parenthood, and education. However, these actors are at the same time constructed in a degendered way. For this reason, non-employment holds the least intersecting inequalities with gender. Identity positions are most often constructed in a degendered manner such as "young unemployed persons", "young families", "parents", "Roma people", "elderly", "disabled" or similar.

In the context of gender-based violence, most actors addressed are de-gendered – for example victims of violence. Although it is implicitly clear that victims predominantly means women, , the degendered term victim is used most often. The intersecting inequalities most commonly appearing in the domestic violence sub-issue are ethnicity, age, disability, marital status and nationality or migrant status. No intersecting inequalities appear in sexual harassment, while in trafficking in human beings

ethnicity, class, but rarely religion, age and national or migrant status are addressed. In both sub-issues, the most often appearing intersecting inequality is age.

How does intersectionality work in civil society organisations?

Several groups, individuals, scholars and institutions nowadays work with issues where intersections of gender, race, ethnicity and sexuality emerge. These include, for example, the Peace Institute, Legal Information Centre of the Non-governmental Organisations, the newly established Association Vita activa and working groups within the Centre for the Non-governmental Organisations (established by the Government and NGO groups as a partner in the civil dialogue in the beginning of 21st century). However, besides some groups with minor influence, such as the association of Roma women and besides addressing multiple inequalities in some projects or activist actions, there are no organisations focusing especially on intersected identities.

What is the meaning of intersectionality?

Intersectionality is addressed sporadically. The term, intersectionality, is never used. Social vulnerability or multiple discrimination can sometimes be interpreted as meaning intersectionality, but intersectionality is generally a non-issue rather than an issue in Slovenia.

Are civil society organisations 'better' at 'doing intersectionality' than state bodies?

Based on the analysis of policy documents it seems that civil society organisations are better at dealing with intersectionality as they tend not to use de-gendered terms in their texts and documents, while governmental institutions often do . This, however, is not a guarantee that civil society organisations are better in dealing with intersectionality, but it seems that they are more sensitive to these issues compared to others.

5 What are the implications of different versions of intersectionality for the meaning and practice of gender+ equality?

General gender+ equality policies

What inequalities, are named/mentioned as having an impact on gender equality, or as being a part of gender+ equality?

In general gender+ equality policies the problem of gender inequality is interpreted as a consequence of traditional and historically conditioned social roles. It is defined as a consequence of traditional structures that privilege men over women and therefore creates an unequal distribution of power. The main problems women face are violence, trafficking in human beings, inequality in employment, traditional stereotypes and the bad situation of elderly and minority women, and low political participation and representation.

Most often women are seen as subordinated and discriminated. For that reason general gender+ equality policies focus on very basic and frame-like measures for the improvement of the position of women and measures for the creation of equal opportunities for women and men. The principle guiding these goals is equal treatment.

To solve the problem of inequality between women and men, policy plans propose solutions including the introduction and integration of principles of gender equality and equal opportunities through gender mainstreaming and special measures into all spheres of human life: work and employment, health care, social welfare, education, political participation, decision making and gender relations.

What are the most 'visible' intersections in the issue?

There is a general, but not complete, absence of intersections. The least invisible is the intersection of gender and age. Other not completely invisible intersections are gender with class, ethnicity or minority status (citizenship).

Is intersectionality central or marginal to the policy?

Intersectionality is not central to the policy. In some cases intersectional identities seem to be only listed. While in other cases, especially intersections with age, seem to be more solution oriented (therefore more central to certain policies).

Is there a tendency for intersectionality to be present in particular types of documents?

No.

While there may be increased focus on some groups at intersections, is there at same time a tendency to de-gender?

In the context of gender+ equality policies this is not the case. Degendering does occur, for example as "victims", but this is not the central target group of the general policies.

Is it raised only or largely by NGOs?

It general gender+ equality policies there is an imbalance in raising intersectionality only by certain types of actors. When intersectionality is raised, it is usually as a reference to specific groups that are even more excluded than the general target group (that is mostly women).

Are there intersections which you see as absent because they may carry a stigma for already marginalized people, or axis?

No.

Intimate citizenship

What inequalities, are named/mentioned as having an impact on gender equality, or as being a part of gender+ equality?

The first bundle of issues in intimate citizenship sub-issue is connected to the position of children after their parents' divorce. Gender equality is framed within problems connected to alimony, father's rights, and the work of courts. The second set of problems is related to natality (birth rate), where gender+ equality is addressed through issues such as bearing children, artificial insemination, abortion, and definition of the beginning of a life. The third bundle of issues is related to same-sex partnership. It includes the issues of the legal recognition of same-sex partnership and the discrimination gays and lesbians face in everyday life.

What are the most 'visible' intersections in the issue?

In the context of intimate citizenship, the intersection of gender with marital/parental status is the most visible intersection, followed by intersections with sexuality. More specifically, mother, single women and gays and lesbians are the most visible intersected identity positions in the analysed texts .

Is intersectionality central or marginal to the policy?

Intersectionality is central to the policy. Intersections of gender with sexuality and with marital/parental status are central to the policies of intimate citizenship, although some texts tend to use degendered terms, such as homosexuals, same-sex oriented, parents etc.

Is there a tendency for intersectionality to be present in particular types of documents?

Yes, intersectionality most often occurs in civil society texts and, to a certain degree, in parliamentary debates. However, it does not mean that intersectionality does not occur in other types of texts as well.

While there may be increased focus on some groups at intersections, is there at same time a tendency to de-gender?

Yes, as mentioned earlier, there is a tendency to de-gender especially gays and lesbians as homosexuals, as same-sex partners, and to de-gender mothers and fathers and their different marital positions as, for example, single parents.

Does intersectionality enter the equation when particular groups represent a 'barrier' to reaching gender equality goals? Is it raised only or largely by NGOs?

If there is a "way" in which intersectionality enters policy plans in the sporadic appearance of intersectionality in Slovenian policy documents, it is because a certain group represents a barrier to reaching equality goals. It is also true that such problems are primarily touched upon by NGOs before the debate is moved towards governmental structures.

Are there intersections which you see as absent because they may carry a stigma for already marginalized people, or axis?

There is no reference to transsexuals in Slovenian intimate citizenship texts. Sometimes they are subsumed under LGBT or even under homosexuals. This could be related to stigma attached to transsexuals and the lack of voices on the part of transsexuals in civil society and politics.

Non-employment

What inequalities, are named/mentioned as having an impact on gender equality, or as being a part of gender+ equality?

The first set of problems is related to the gender pay gap. Gender equality is the major frame of the debate, which tries to show the unfairness of the pay system. The second set combines issues related to discrimination at the work place, including violence (bullying), and sexual harassment. Due to the EU directive on non-discrimination at the work place not only gender but also other inequality levels are discussed in this context. However, violence and sexual harassment are mostly framed as women's issues and as such an obstacle to gender equality at the work place. The third set of problems, addressed in non-employment texts, relates to work/life balance and the reconciliation of the two realms, parental leave, and professional degradation after maternity leave. The texts also address pension issues, including gender inequality in pension legislation, and unemployment, including unemployment of people with higher education, unemployment of young people, women, long-term unemployed. This set of problems also addresses vertical and horizontal segregation and structural unemployment.

What are the most 'visible' intersections in the issue?

The most visible intersection is gender and age. More specifically, the policies include several measures for young and old unemployed persons. The other two most often addressed intersections are gender and disability, and gender and marital/family status.

Is intersectionality central or marginal to the policy?

Intersectionality is marginal to non-employment policies in Slovenia, although age seems to be recognised as an inequality level to a certain extent.. The fact that "disability quotas" are adopted in Slovenian legislation might lead to the conclusion that intersectionality is not totally absent. However, naming intersectionality as central in non-employment policies would be an overstatement.

Is there a tendency for intersectionality to be present in particular types of documents?

Yes. Intersectionality tends to occur more often in governmental plans (unemployment action plans) and legal acts than in other texts.

While there may be increased focus on some groups at intersections, is there at same time a tendency to de-gender?

Yes, most of the passive actors listed in policy documents, are constructed in the degendered way, one of the most important being the "unemployed" category of passive actors. In fact there is only one

exception, where "unemployed women" are mentioned in the governmental *Program of the active politics of employment for the period 2007 – 2013.*

Does intersectionality enter the equation when particular groups represent a 'barrier' to reaching gender equality goals?

Yes, intersectionality enters the equation when particular groups (such us unemployed women or young unemployed persons) represent a barrier to equality goals.

Are there intersections which you see as absent because they may carry a stigma for already marginalized people, or axis?

Yes. In the analysed documents, ethnicity is not addressed at all, which in part could be attributed to the fear of additional marginalization of ethnic minorities. Another problem which is not addressed is the (un)employment status of transsexuals in Slovenia and their position at the work place. The extensiveness of this problem is not known.

Gender-based violence

What inequalities, are named/mentioned as having an impact on gender equality, or as being a part of gender+ equality?

In the context of gender-based violence, three sets of inequalities are mentioned as having an impact on gender equality. The first one is domestic violence. Although no *National Action Plan against Domestic Violence* is adopted in Slovenia yet, there have been policies and legal acts adopted for the prevention of domestic violence and the criminalisation of its perpetrators, for the protection of victims of violence and for the promotion (social and economic) of those who have experienced domestic violence. The second set of inequalities is related to prostitution and trafficking. Adopted policies and acts have legalised prostitution and criminalised trafficking. Special measures have been adopted for the protection of/help for victims of trafficking in human beings. The last set of inequality issues is related to sexual harassment. Several awareness raising actions for the prevention of sexual harassment took place in Slovenia in the past years. The actions were accompanied with legal provision for the prevention of sexual harassment.

What are the most 'visible' intersections in the issue/country?

Again – as is the case in previous issues – the most visible intersecting inequality addressed in the context of gender-based violence is age, followed by ethnicity and class. However it needs to be stressed that these are simply more or less accidental occurrences in some texts – the focus is still on the general category of "women" or sometimes "victims". There are also some references to intersections with disability, marital status, nationality, and migrant status – but these intersections are less visible. It is interesting to note that intersectionality is not addressed at all in the sexual harassment sub-issue.

Is intersectionality central or marginal to the policy?

Intersectionality in not central to the policies on gender-based violence. It is hardly visible under the omnipresent target group of "women, victims of violence" or sometimes "victims of violence".

Is there a tendency for intersectionality to be present in particular types of documents?

Yes, there is a clear tendency that intersectionality is most often addressed in governmental documents (in the context of our research), however intersectionality is also present in civil society texts, for example intersectionality in connection to trafficking. The intersection of ender and ethnicity is recognised only in some civil society texts.

While there may be increased focus on some groups at intersections, is there at same time a tendency to de-gender?

Yes, there is a tendency to de-gender, especially by using the term "victims". This is most explicit in policy documents on trafficking and to lesser extent in domestic violence.

Are there intersections which you see as absent because they may carry a stigma for already marginalized people, or axis?

No.

Conclusion

In conclusion, intersectionality is generally absent from Slovenian policies in all four areas of our interest. When intersectionality occurs, its appearance seems to be accidental and dictated by the content of the topic rather than certain policies being adopted in order to address people or groups at the point of intersections.

In general gender+ equality policies, intersectionality is not central to the policy, although different inequality levels are recognised in one of the two general laws on equality (*Implementation of the Principle of Equal Treatment Act*).

In the context of intimate citizenship, the intersection of gender with marital/parental status is the most visible intersection, followed by intersections with sexuality. There is a tendency that groups at the point of intersections are more often addressed by civil society texts than by other texts.

In non-employment sub-issue the most visible intersectionality is the intersection with age. More specifically, these include several policy measures for young and old unemployed persons. The other two most often addressed intersections are gender and "disability", and gender and "marital/family status". Unlike intimate citizenship, groups at the point of intersections are most often addressed by governmental texts and laws. In most cases, this includes special measures for active politics of employment.

In gender-based violence, intersectionality is hardly visible. The target group of "women, victims of violence" or sometimes "victims of violence" is dominant. However in the analysed documents there are some occurrences of age as an intersecting inequality level, followed by ethnicity and class. These intersections are primarily addressed by governmental texts.

5.1 Inequalities in general gender equality legislation and gender machinery

Slovenia adopted an integrated equality legislation (*Implementation of the Principle of Equal Treatment Act*), although some provisions prohibiting discrimination on different grounds are included in the Constitution, Criminal Code, Employment Relationship Act and so forth.

While the EU directives stipulate the prohibition of discrimination on 6 grounds, the Slovenian legislation (*Implementation of the Principle of Equal Treatment Act* and *Employment Relationship Act*) extends the prohibition of discrimination to any grounds. In this sense it is more inclusive than the directives.

The Office for Women's Politics, the first "gender equality institution" of independent Slovenia began operating on July 1, 1992. However, it only covered gender and no other inequalities. On February 24, 2001, the office was renamed into the Office for Equal Opportunities (and started to operate on July 1, 2002). Now the Office for Equal Opportunities operates as a kind of integrated equality body, although it is responsible only for the coordination of activities in relation to other inequalities (not gender), aiming at the implementation of the EU Racial equality directive and Employment directive.

Consequently, the Advocate of the Principle of Equal Treatment has to deal with discrimination in any sphere of social life. However it has to be noted that the *Implementation of the Principle of Equal Treatment Act* from 2004 simply extended the competences of the Advocate of the Principle of Equal Treatment for Women and Men (established in 2002) and did not establish additional institutions to deal with discrimination issues. By doing so, the Advocate was simply given an additional load of work.

One of the key problems expressed by the Ombudsman and civil society is the status of independence of the Advocate of the Principle of Equal Treatment. While the government claimed that the Advocate is independent, non-governmental organisations and the Ombudsman pointed out that the Advocate is located in the Office for Equal Opportunities, which is a governmental institution. For that reason it is not independent. The law was changed in 2007 (*Amendments to the Equal Opportunities for Woman and Men Act*). Now, article 11b explicitly states that Advocate is an autonomous and independent institution, but civil society still claims that the problem is not solved: if the Advocate is not given the actual means for independent work (for example, Advocate has no staff, no office and still works on the premises of the Office for Equal Opportunities etc.), it cannot be independent.

Yet another problem pointed out by civil society and especially by the Ombudsman is unclear competences of the inspectorates. While the *Equal Opportunities for Woman and Men Act* prohibits discrimination on different grounds and in different areas of social life, such provisions are not included in other laws, which are the basis for different inspectorate's competences. For example: if a black person cannot get an apartment because she is black, the inspector for this area claims that he is not obliged to solve discrimination related issues – since the law on housing, on which his competences are based – does not include anti-discrimination provisions. The only exception in this regard is the *Employment Relationship Act* which features anti-discrimination provisions.

Does the gender / equality machinery take into account all or some (which) categories?

The I*mplementation of the Principle of Equal Treatment Act* lists the following categories: nationality, racial or ethnic origin, sex, health state, disability, language, religious or other conviction, age, sexual orientation, education, financial state, social status or other personal circumstances. The Office for Equal Opportunities directly deals only with gender, while it is responsible for the coordination of activities in relation to other inequalities. However for some categories, most notably for sexual orientation, there is no machinery that can be coordinated by the Equal Opportunity Office. When an international conference on same-sex families (organised by a local LGBT organisation Legebitra and ILGA Europe) was held in Ljubljana, the Office asked the Ministry of Labour, Family and Social Affairs to provide a guest speaker for the conference. The Ministry replied that tis does not deal with such families and that it has nothing to say about it. As the Equal Opportunity Office does not deal with such issues either, there were no officials to address the participants of the conference. (In the end, a representative of the Office for Equal Opportunities gave a short speech at the conference.)

The concept of intersectionality is rarely used. The work of the machinery is not organised according to intersectionality.

5.2 Intersections in non employment

Is there a focus on different employment rates amongst women by minority ethnic or religious group?

In the analysed documents, there is no focus of any kind on women from minority ethnic or minority religious groups. Furthermore, most of the "target groups" are constructed in a de-gendered way. There is one mentioning of "legal immigrants" in the governmental National program of social security for 2006 – 2010, where the aim of the policy is to increase social inclusion of – among others – legal immigrants.

If we take a look at the passive actors, the same pattern occurs: most actors are listed in a de-gendered way. There is no mentioning of women from minority ethnic or minority religious groups.

In conclusion, despite the lack of intersectionality of gender and ethnicity and gender and religion, one can conclude – on the basis of general observations – that gender and ethnicity is addressed in a very minimalist, but most often degendered manner (for example: unemployment among Roma people is discussed), while religion plays no importance át all and is not recognised at all as a relevant intersectional inequality level in Slovenian non-employment policies.

Is there a focus on different employment rates amongst women and amongst men by ethnicity, religion, sexual orientation (or family status), dis/abilty (or mobility, strength, physical features), age (or social/employment status) etc.?

Most of the passive actors and target groups are constructed in a degendered way. Different employment rates by ethnicity, religion and sexual orientation are not discussed at all. Governmental plans, such as *Active politics of employment 2007-2013* addresses the issue of unemployment among women, however the problem is not discussed in connection to any other personal circumstance. Women are addressed as a unified category. The same approach is taken by the trade union – in one of its action plans vertical segregation and horizontal segregation is discussed – again as women's problem. The unemployment rate among women is framed as gender discrimination at work.

Two other categories of people whose unemployment rates are touched upon in Slovenian non-employment policies are disabled and young parents. Both categories, occurring in parliamentary debates, are constructed in a degendered way (disabled people, parents) and their position in the work place is framed as discrimination.

5.3 Intersections in intimate citizenship

Where is gender in the issue of intimate citizenship?

In the three sub-issues of the intimate citizenship, gender plays an important role in discussions about reproduction. Policy texts address women, men, fathers, mothers, pregnant women and single fathers. Gender also plays a certain role in the context of same-sex partnership debates. Here is it usually constructed as "gays and lesbians" – but basically meaning homosexuals (i.e. there is no policy aim for differentiation between gays and lesbians). Gender is used the least in the sub-issue "Divorce, marriage, separation".. The categories – target groups and passive actors – are mostly constructed in degendered ways. Most of these policies address "children".

How is gender constructed in these debates?

Gendered categories most often occur in parliamentary debates and NGO texts, while governmental texts are mostly degendered. The only exception is the governmental *Strategy for the fertility increase*, where mothers and fathers are addressed separately. Age plays a certain role as the *Strategy* wants to enable young mothers and young fathers to reconcile work and family life, to keep their positions in the labour market and, of course, to raise more than one child. Otherwise race, class, and age play no role in intimate citizenship debates. Disability is mentioned in the context of debates on artificial insemination (for example "women in need of health treatment").

Nevertheless, sexuality (gays, lesbians) and parental status (mothers, fathers) are the key intersection levels through which gender is constructed. Gays and lesbians are usually mentioned together – there are no policies addressing only gays or only lesbians. Most of the policies address different problems related to same-sex partnership, the lack of legal recognition of such partnership and discrimination on the basis on sexual orientation. Fathers are most often addressed in the context of custodial rights, while mothers occur in the context of equal division of domestic work.

Have issues been discussed in relation to immigration? Does "race" figure elsewhere as well?

No, race does not figure at all in the context of intimate citizenship in Slovenia.

Are marriage/partnership policies framed relating to any category?

No, these issues are framed in a degendered way, not addressing any category of people in particular.

Are there discussions around the legitimacy of legal recognition of intimacy, as in "fake marriage"?

Fake marriage is a non-issue in Slovenia. The only legitimacy of legal recognition of intimacy discussed in Slovenia is related to same-sex partnership.

5.4 Intersections in gender based violence

Where does gender violence begin?

In general, gender violence is seen as violence against women in Slovenia. Domestic violence can also be subsumed under the "violence against women" frame. It means that the roles in violence are usually perceived and understood as gendered: women are victims, while men are perpetrators. It should be noted that the most often occurring 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. »Nasilje v gospodinjstvu« (violence in the household) would be the right translation but no one uses such term.

In 2008, the *Family Violence Act* was adopted. In introduced several measures for the prevention of domestic violence. As expected in a law, perpetrators and victims are constructed in a de-gendered way.

Who is discussed as victim or perpetrator of which kind of gender-based violence?

In the context of domestic violence, men (also referred to as "women's partner") are seen as perpetrators, while victims are women and children. The differentiation between men as perpetrators and women as victims is not so clear in the context of sexual assault. Here women and men are listed as victims. Degendered categories – such as "persons at work", "victim of sexual harassment" and also employees and employers – are also listed among passive actors. Perpetrators are only presented in a degendered manner as "work colleague", "superior", "employer" and similar terms.

In the third category ("Trafficking, FGM, and forced marriage") it is interesting to note that all victims and perpetrators are mainly constructed in a de-gendered way. Victims are addressed as "victims of trafficking in human beings" (or variations of this conceptualisation), while perpetrators are referred to as "human traffickers". Only some civil society texts recognise the intersection of gender and ethnicity in connection to trafficking.

In conclusion, some victims of gender-based violence are constructed as gendered categories, especially in the context of domestic violence, while victims in other contexts are constructed in mostly degendered ways. The same goes for perpetrators. Where victims and perpetrators are gendered, women are victims and men are perpetrators.

Are causes of violence related to specific categories, e.g. racialised?

In the analysed policy documents, violence is generally not related to any specific category (outside gender), except from in trafficking where the ethnic origin of the victims seem to play an important role – at least in documents by NGOs. These texts address, for example, victims of Albanian origin, victims of Serbian origin, victims of Montenegrin origin, and victims of Moldavian origin.

Are services around gender based violence directed at specific groups, people related to categories?

Services seem to be directed towards two groups of victims:

(1) women and children, victims of violence (violence generally, but not exclusively, means "domestic violence") and
(2) victims of trafficking.

Do your findings on intersectionality support or contradict Crenshaw's analysis?

There is lack of intersectionality in gender-based violence. In this sense this supports Crenshaw's argument about the invisibility of groups at the point of intersection. However, in the context on trafficking it seems that intersectionality with ethnicity is not addressed fully due to the fear of stigma, which would be attached to already marginalized people (immigrant women).

5.5 Summary and comparison

Is the focus on intersectionality largely ephemeral? Or is it becoming embedded in gender+ equality policy?

The concept of intersectionality is not largely ephemeral but rather largely unknown in Slovenian policies. When it does occur, it is usually not considered or named as "intersectionality". The same-sex partnership debate, for example, is a largely intersecting issue – gender and sexuality – but it is not considered as such, despite the continuous comparison of rights and obligations between heterosexual and homosexual partners. Rather it is framed as discrimination. Furthermore, gays and lesbians are considered as a unified group; on one hand we can trace some intersectionality in that (gender+non-heterosexuality), on the other hand intersectionality within the group (different position of lesbians, for example) is not considered at all.

Compare the definitions and practice of gender equality and the definitions and practice of intersectionality – how do they relate, do the meanings of intersectionality change the meaning of gender equality?

In general, gender equality is defined as equality between men and women, while "equal treatment" is the name of the "mechanism", which on the one hand represents gender equality and on the other represents the way to achieve gender equality. In most cases gender is seen as "women" – that is, an improvement of women's positions in the society in order to gain gender equality (=same social positions as men). Intersections of gender and other inequalities have some effect on the definition and practice of gender equality – in fact intersectionality changes the focus of policy. While equality between men and women is still the core of the policy (although implicitly), specific topics bring about specific focuses. In the separation debate, for example, equal access (or access as such) to children plays an important role in gender+ equality policies. In the same-sex partnership debate, equality between heterosexuals and homosexuals lead the way.

There are, of course, different focuses on gender equality in different types of texts, not only structured by intersectionality (which is randomly addressed and mostly a non-issue) but by the content of the policy itself. Equality through sameness and transformation are the two most invoked visions of gender equality in the analysed gender+ equality texts. . In a majority of the non-employment texts, gender equality – when it occurs – is seen as a strategy in equal treatment (and an end in itself) rather than as a 'special programme' or 'transformation'. Gender equality is rarely used as a concept in intimate citizenship issues. It occurs most explicitly in policies addressing (single) women (bearing children, artificial insemination, abortion.) and the position of children after their parents' divorce. Here it is named as equal access to children. In other issues gender equality policies are framed as human rights policies. In gender-based violence, gender equality is most often (implicitly) understood as the protection of victims of violence (women) and successful prosecution of perpetrators of violence (men). Gender equality in the sense of equal opportunities, which occurs in non-employment, occurs very rarely in the context of gender-based violence.

To what extent is there commonality of a specific policy issue across several strands, or inequalities, that leads to enhanced and constructive attention to the issue? Or are differences between inequality strands a source of controversy and division?

Both. Inequality based on sexuality or sexual orientation is – as elsewhere – a source of controversy. Nuclear family and marriage are seen as something to be protected, positively discriminated and nurtured, while same-sex partnership is something which – at least according to the governmental policies – should not be put on equal footing with heterosexual partnership.
The intersection of gender and family/partnership status seems to spread across at least two specific policy issues: non-employment and intimate citizenship. One such specific issue is reconciliation of work and family life. In non-employment it is framed in the context of recognition of family life of employees, the recognition of care work and child care – all these are also connected to the elimination of gender discrimination at the work place. Interestingly, reconciliation of work and family life in the intimate citizenship context is seen as a strategy for the fertility increase.

Another issue that spans over two topics is 'sexual harassment and violence' (bullying) – this issue is addressed both in the context of non-employment and in the context of gender-based violence. Here the goal seems to be the same: the prevention of violence.

Is intersectionality a source of controversy and debate in gender+ equalities policies?

No.

If there is an absence of intersectionality in the documents analysed, are there explanations for this?

Beside the general conclusion, that intersectionality is a non-issue in Slovenian policy, there seem to be different reasons – connected to different inequality levels – why there is a lack of intersectionality in issues analysed. For example, ethnicity is rarely addressed as an intersectional level in policies partly due to the fact that migrants from former Yugoslavia – who became migrants only after the independence of Slovenia (before they were full citizens of Yugoslavia, living in Slovenia) are not officially recognised as ethnic minorities. Roma minority is therefore the only minority whose "intersectionality" is addressed to a certain extent, for example in special employment and educational policies.

Religion in a predominantly catholic country seems to play no major role, while minority religious communities seem to lack power to push forward their specific problems and issues. For that reason (among others), religion as an intersecting inequality level is not mentioned a single time in any of the analysed documents..

Furthermore sexuality is not dealt with in intersectional manner as it seems that some general issues – such as same-sex partnership – are not yet dealt with (or are not addressed sufficiently). In the debate on same-sex partnership, the exclusion of debate on artificial insemination of lesbians, for example, was a pragmatic political decision. The ministry and the GLBT organisations agreed to take step by step approach not demanding all at the same time (see more on this in issue history).

In conclusion, the absence of intersectionality has different reasons stretching from non-recognition of certain minorities and their "intersectionalities", the lack (or the impossibility) of voicing of specific problems on the side of minorities, or political pragmatism (intersectionality would negatively affect the general cause).

6 Identifying changes and the relevance of different forms of intersectionality[12]

6.1 Changes in general legislation and machinery

There were several important shifts in general legislation and machinery in Slovenia, which had an effect on general gender+ equality politics and partly also on taking on intersectionality. The main two changes in the developments before and after the Quing period (1995) were:

    (1) the establishment of the new state in 1991 with all the consequences, and
    (2) the EU accession process and adoption of the European legal system.

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

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[12] This chapter partly draws on Kuhar, Roman, Vlasta Jalušič, Majda Hrženjak, Marja Kuzmanić, Deliverable No. 19: Series of timelines of policy debates in selected topics: Slovenia.

intersectionality that was brought through these measures (work-life reconciliation) into Slovenian policies was an intersectionality of gender and parental status. Specific focus was given to fathers with the introduction of paternity leave in 2001.

There are two general laws which are important for gender+ equality. The adoption of the *Act on Equal Opportunities for Women and Men* in 2002 and the *Implementation of equal treatment Act* in 2004 set the legal grounds for the introduction of gender equality measures in all legal documents in Slovenia. The laws were a result of a long term considerations on the side of civil society and gender machinery actors and expressed a need to take a step further, from formally guaranteed principles of equality and equal treatment to substantial equality and gender mainstreaming.

The recognition of the importance of the intersections of race, ethnicity and gender – at least in some civil society circles – and the pressure from the EU to adopt legislation in this regard (for example *Implementation of equal treatment Act*) have 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 if there are competing principles in question.

The unclear relation between gender and other inequalities is also seen from changes introduced into the gender equality machinery. On February 24, 2001, the Office for Women's politics was renamed into 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) Despite the change of the name, gender equality continued to be the focus of the working activities of the Office, even after 2002. In relation to other inequalities, the Office for Equal Opportunities is responsible only for the coordination of activities aiming at implementation of the EU Racial equality directive and Employment directive. That means that intersectionality is not the focus of the Office.

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.

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), 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 rethink its mission, competences, and conceptual issues represent a serious backlash in the beginning of the 21st century. The process took place in spite of the adoption of important legislation (Equal Opportunities Act) at almost the same time.

6.2 Changes in non employment

The most important shifts in gender+ equality policies in the issues of non-employment in the period 1995 – 2007 in Slovenia were the 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 this sense intersectionality with ethnicity was addressed, although it was not referred to as intersectionality. Again the content of the issue/problem led to the addressing of intersectionality.

In the field of care and work/family balance two important novelties have been introduced: a parental right to part-time work until the child reaches three years of age and a father's right to paternity leave. The salient and very disputable topic is the equalization of the retirement age for men and women in the framework of pension reform. The introduction of gender segregated statistic on wages is an

important achievement of the social dialogue/partners (here trade unions and Office for Equal Opportunities played a key role), while the dialogue was also influenced by EU and its standards.

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

The influence of EU policies was important in policies regarding gender pay gap, pension system and recently in access to the labor market for different excluded social groups as a mean of their social inclusion. On the other hand in the fields of care and work/life balance the EU influence was not so important as this two fields were very well regulated already in the socialist and pre-EU period. The political achievement in these two fields in last decade was the fact that the socialist hereditary in access, quality and affordability of public care services and work/life balance possibilities still persists despite the invasive neo-liberal ideology in government.

In none of these key changes intersectionality played an important or visible role. If gender and parental status/parenthood can be understood as intersectionality, than most focused intersectional group were fathers (introduction of paternity leave, work-life balance etc.), to a certain extend also young mothers (or possible young mothers). The latter was closely connected to demographic debates (also or primarily within intimate citizenship scope).

There are other target groups listed in the non-employment documents analysed – such as Roma people (attempts to reduce the level of unemployment among Roma), disabled (provision for more disabled to be employed, introduction of "disability quotas" …), but these intersectionalities were not in the front of non-employment policies.

6.3 Changes in intimate citizenship

In intimate citizenship policies there were some shifts which brought above intersectionality. Again intersectionality was address due to the content of the issue such as debate on artificial insemination. Since 2001 the right to artificial insemination is available only to those women who are in a heterosexual relationship, while this right was granted to all women before the change of the law. The policy debate brought up three intersecting inequality levels: single women, lesbian women, disabled women. All these three groups were denied the right to artificial insemination (see also introduction to intimate citizenship in this document).

Within the context of marriage and divorce the most visible change in relation to intersectionality is connected to fathers. There were legal measures taken to penalize those parents (mostly or primarily fathers) who are not paying for child's maintenance after the divorce. On the other hand the *Marriage and Family Act* was changed in a way 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 greater father's right to see and visit his children.

The third important change, which brought up with it intersectionality, is debate around same-sex partnership. The debate is generally not framed as gender equality, but rather as anti-discrimination measures. Although the debate addressed gays and lesbians – intersection of gender and sexuality/sexual orientation – they were addressed as a unified group of homosexuals. There were no special measures adopted separately for either gays or lesbians. Their different positions in the society were not dealt with.

As far as the influence of the international actors is concerned, the importance 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 EU is not interfering with family policies of its member states, the developments in the field of same-sex partnership in most of the EU countries, its anti-discriminatory measures (for example article 13 of the Amsterdam treaty) and its recommendations in connection to same-sex partnership served as a good ground for local LGBT non-governmental organisations as

well as for the Ministry of work, family and social affairs to introduce the legislature on same-sex partnership. However after the change of the government in 2004 to right-wing coalition, the fact that EU is not regulating family policies of its members also played an important role as the representatives of the right-wing government defended themselves that the EU is not obliging them to adopt any kind of legislature for same-sex partners. The right wing government therefore claimed that the fact that they adopted *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 legislature on same-sex partnership was adopted by the right-wing government (as the left-wing government failed to do that in more than 12 years of being in power).

6.4. Changes in gender based violence

Intersectionality in the gender-based violence is mostly absent from Slovenian policies on violence. The only important change, which brought up some attention to gender and ethnicity – especially in non-governmental texts and debates – is the decriminalization of prostitution and especially the introduction of legal provisions against trafficking in human beings. In connection to trafficking, the influence of international organisations such as International Organisation for Migration cannot be denied. Another palpable push came from American State department and its fight against terrorism and trafficking. The reports of the State Department on Slovenia criticised the lack of dealing with the issue of trafficking in Slovenia.

It is interesting to note that in domestic violence debates, women are understood as a unified group. No special attention is given to for example minority women.

6.5 Summary and comparisons

The most general conclusion on the treatment of intersectionality in gender equality policies in Slovenia is that intersectionality enters such policies through the addressing of new topics, which are "intersectional in themselves." For example, some documents in gender-based violence address "minority women", because trafficking became an important issue in Slovenia, addressed not only by civil society organisations but also by governmental agencies. That means that intersectionality in politics was not stimulated by the position of minority women in Slovenia but rather through incorporation of a new ("intersectional") issue into Slovenian policies. As already mentioned the focus on intersectionality is largely ephemeral, dictated by the issue, rather than by the position of a certain group in society, although the two – the issue vs. position – can hardly separated in the praxis of political engagement.

7 Conclusions

Judith Squires (2008) writes that intersectionality points at forms of oppression, which shape and are shaped by one another. A failure to recognise this results in both simplistic analysis and ill-conceived policy interventions. On the basis of the documents analysed in all four Quing topics and in the context of a general absence of addressing intersectionality in Slovenian policies, one can conclude that oppressions which are shaped by one another are mainly not recognised and dealt with in Slovenian policies. The term – intersectionality – is never used or discussed. Social vulnerability or multiple discrimination are terms which can be interpreted as meaning intersectionality, but in general, intersectionality is more of a non-issue than an issue in Slovenia. Furthermore, based on the analysis of policy documents it seems that civil society organisations are better at dealing with intersectionality as they tend to use gendered rather than de-gendered terms in texts and documents, while governmental institutions often use de-gendered naming. This, however, is not a guarantee that civil society organisations are better at dealing with intersectionality, but it seems that they are more sensitive to these issues compared to others.

Another general conclusion, drawn from the analysis of the Quing documents, is that intersectionality – meaning passive actors or target group constructed in an intersecting way – is often framed as an anti-discrimination policy rather than gender+ equality policy. This is most visible in the context of the same-sex partnership debate. Furthermore, it seems that intersectionality, when it occurs, addresses only the surface of the problem (in Squires' terms: one form of oppression), rather than variations of the problem (in Squires' terms: oppressions shaped by one another). In the context of same-sex

partnership debates, it means that gay identity and lesbian identity are constructed as a unified homosexual identity. The first level of intersectionality is addressed – as intersectionality is dictated by the topic/subject itself (gender + sexuality) – while other possible (and realistic) intersecting levels of inequality are not addressed at all. That means that within the degendered term "homosexual identity" the policies do not recognise that "homosexuals" face multiple aspects of discrimination and inequalities, as women, as people of colour, as poor people etc. This results in deconstructing a homosexual woman into a) "homosexual woman" and b) "woman". The "homosexual woman" part is dealing with only sexuality (for example in adopting same-sex partnership legislature), while the "woman" part is dealt without paying any attention to sexuality. This is connected to the third general conclusion.

Intersectionality in Slovenian policies often (but not exclusively) occur as a consequence of the specific topic (meaning that the subjects of the policy interventions are intersectionalised *per se*, like gays and lesbians) rather than (or to a lesser extent) by the position (and social exclusion) of intersected subjects. This means that intersectionality is addressed once the policies for a general (non-intersected) population come across intersecting positions. For example, some documents in gender-based violence address "minority women" because trafficking became an important issue in Slovenia. However, trafficking started off as a general issue rather than minority women's positions leading to the incorporation of trafficking and related problems into Slovenian policies. It means that intersectionality in politics was not stimulated by the position of minority women in Slovenia but rather through the incorporation of a new ("intersectional") issue into Slovenian policies – in this particular case dictated by outside international and European actors (see Issue history). The focus on intersectionality is therefore largely ephemeral, dictated by the issue, rather than by the position of a certain group in society. This also often results in mere mentioning or simply listing intersected inequalities rather than proposing or adopting special measures and mechanisms for social inclusion.

Next conclusion cannot be drawn from the analysis of the documents, but is seems that – in lines with Crenshaw – some intersectionalities are not addressed due to the possibility of additional stigmatization of certain socially excluded minorities in Slovenia (for example ethnic minorities in the context of violence due to media representations already heavily charged by violence as vital part of ethnic minorities). Instead the general "target group" – women, victims of violence – is used in hopes that minority women will also be protected by the proposed or adopted policy measures.

There are different inequality-level-specific reasons why there is a lack of intersectionality in Slovenian policies. At least three reasons can be outlined:

(1) non-recognition of certain minorities and their "intersectionalities" (for example, ethnicity is rarely addressed as an intersectional level in policies partly due to the fact that migrants from former Yugoslavia – who became migrants only after the independence of Slovenia (before they were full citizens of Yugoslavia, living in Slovenia) are not officially recognised as ethnic minorities.)

(2) the lack of voices (for example, in predominantly catholic country, minority religious communities seem to lack power to push forward their specific problems and issues. For that reason (among others), religion is not once mentioned as an intersecting inequality level

(3) political pragmatism (for example, in the debate on same-sex partnership, the exclusion of the debate on artificial insemination of lesbians, for example, was a pragmatic political decision. The ministry and the LGBT organisations agreed to take a step by step approach and not demanding all at once, fearing that intersectionality (gender + sexuality + motherhood) would negatively affect the general cause).

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