

SLOVENIA

**UN Questionnaire to Governments on Implementation of the
Beijing Platform for Action (1995) and the Outcome of the
Twenty-Third Special Session of the General Assembly (2000)**

NATIONAL REPORT OF SLOVENIA

July 2004

Part One: Overview of achievements and challenges in promoting gender equality and women's empowerment

In Slovenia, international efforts to promote gender equality, particularly the Beijing Platform for Action, the outcome of the Twenty-Third Special Session of the General Assembly, the Convention on the Elimination of All Forms of Discrimination against Women and the concluding comments of the Committee on the Elimination of Discrimination against Women on Consideration of our Initial, Second and Third Report were important incentives used to influence our gender equality policy process.

Since 1995 considerable progress has been made in the Slovenian journey towards achieving the goal of full enjoyment of human rights of women, promoting gender equality and subsequently implementing the Platform for Action.

Slovenia was one of the first of the transition countries to translate civil society debates on changing women's and gender interests in policy programmes of government and in legislation. This process of gender equality institutionalisation and representation of women's interests and interests addressing relations between women and men started in 1992 with the founding of the Slovenian government body for the empowerment of women and the promotion of gender equality. Over the last decade Slovenia has been strengthening its institutional mechanisms for the advancement of women, striving to ensure that women and men should have equal power and influence, equal opportunities to achieve economic independence, equal access to education and training and opportunities to develop their personal ambitions, interests and talents. Slovenian Government has also been developing a scenario for creating possibilities for women and men to combine work with parenthood and caring for home and other dependant people and to enjoy lives free from gender related violence.

Demographic, social and economic changes Slovenia has been faced with over the last 10 years and its international commitments and national priorities, such as joining the European Union, challenged our methods, actions and legislation that should be used in eliminating inequalities between women and men and in modernising the social contract between generations and between the state and citizens.

The most considerable improvements were achieved in legislative area. In the observed period the Slovenian government examined and assessed the efficiency of valid legal standards, which formally complied with the international anti-discrimination standards, but did not provide for a comprehensive gender equality policy development framework. This process resulted in the change in focus, from eliminating discrimination against women to a more dynamic one that is oriented to the establishment of policies, which will actually lead to the achievement of *de facto* gender equality.

1. Main achievements in amending and supplementing old legislation and adopting new laws

o *Social protection*

The previous pension system crisis caused by demographic changes, changes in the labour market and some political measures demanded changes in the pension model. The new **Pension and Disability Insurance Act** came into force on 1 January 2000. It guarantees equal rights and obligations to women and men. Different treatment of women and men is kept only in determining conditions for obtaining rights to old age pension (the retirement age for women is two years lower than for men) To prevent women from being negatively affected by different retirement age conditions in calculating their pensions, the starting calculation percentage for a 15 year pensionable period for women is 3 % higher than for men. Equality is thus achieved in the level of calculated percentage pension basis. Additionally the age limit for obtaining the rights to old age pension are lowered for each child, and both men and women are entitled to this right. Retirement age for a woman may also be reduced for years of employment below 18 years of her age. The Act also contains special provisions that retirement conditions in pension schemes adopted by an employer may not be determined differently on the basis of sex of the insured person.

In all the areas of social protection, Slovenia has incorporated mechanisms for protection of the most vulnerable groups of the population, both concerning benefits and various services and other forms of assistance. The minimum wage, which is intended to ensure a minimum standard of living for employees, was 41.5 % of the average wage in 2002. For the most vulnerable groups to poverty (elderly, single parent household) special measures have been adopted. Among them are the state pension, supplement for single parent families entitled to child benefit and social assistance. The right to a state pension was introduced by the new Pension and Disability Insurance Act. The state pension is not a right under compulsory insurance but a benefit, which is guaranteed to persons on reaching a specified age, who have not completed the minimum insurance period for recognition of the right to a pension under either domestic or foreign regulations. Child benefit is an important social benefit, which aims is to provide parents or the child supplementary income for living, raising and education when the income per family member does not exceed 99 % of the average wage in the Republic of Slovenia. All persons who cannot provide means to the level of minimum income for themselves and their families for reasons outside their control are entitled to social assistance.

Act on Employment and Unemployment Insurance was amended in 1998. The amendments changed the entry conditions, duration, and extension to retirement, entitlements linked to active job seeking for the unemployment benefits and assistance. Amended act introduced loans for studies. Subsidising school and student food is important for the education of the young. In the 2001 academic year 22.8 % of school pupils and apprentices received reimbursed meals. The Ministry of Labour, Family and Social Affairs also subsidises student food on the basis of the **Subsidising Student Food Act** adopted in 2002.

In October 1999 the *Maintenance Fund* was introduced and has an important role in improving the income position of children. It is intended for children for whom maintenance has been determined, but is not being paid by the parent responsible. In December 2002, an amendment to the **Guarantee and Maintenance Fund of the Republic of Slovenia Act** was adopted by which entitlement to compensation maintenance is no longer dependent on family income.

o *Working and family life*

The new **Parental Care and Family Benefits Act** (adopted in 2001) regulates rights of parents to all types of parental leave: maternity leave, paternal leave, leave for nursing and caring for a child and adoption leave. The most important is the introduction of individual and non-transferable father's right to paternal leave.

As a result of European Union and international requirements, coupled with expert work (including work of the government Office for Equal Opportunities) and years of negotiations between the social partners the new **Employment Relations Act** was adopted in 2002. It introduced a number of new provisions regarding equal opportunities and equal treatment of women and men. The Act prohibits discrimination based on sex and determines in detail the actions employers should take to prevent discrimination and guarantee equal opportunities for women and men in the process of recruitment, employment and termination of contract. The act seeks to protect the integrity and dignity of job-seekers and employees, provide sanctions, create the possibility of institutional monitoring and, consequently, the possibility of taking action and implementing measures against discriminatory practices in the labour market.

While the Employment Relations Act contains provisions on protection for workers in relation to pregnancy and parenthood and obliges employers to facilitate the reconciliation of work and family responsibilities, unlike its predecessor it does not regulate maternity and childcare leave. The issue of absence from work due to maternity and paternity is now regulated by the new Parental Care and Family Benefits Act.

1.3 Violence against women

To improve the protection of women victims of violence over the past 10 years a number of legislative changes were introduced. In 1998 the **Criminal Procedure Act** was amended and introduced the measure of the banning of a perpetrator from approaching the victim as an alternative measure to prison. The amendments to the **Penal Code** in 1999 classified domestic violence as a specific criminal offence, which is prosecuted ex officio and for which a prison sentence of up to two years is prescribed. These amendments also brought changes to crimes related to prostitution, which above all changed the definition of pimping and increased the penalty for this criminal offence. In 2003 members of the police force were empowered with the right to issue a protection order by which they can ban a perpetrator from contacting, communicating or approaching the victim. In 2004 trafficking in human beings was classified in the Penal Code as a criminal offence.

1.4 Participation of women and men in public and political decision-making

To tackle the persistent under-representation of women in political decision-making the **Constitution of the Republic of Slovenia** and the **Act on elections to European Parliament** were changed in 2004. The constitutional reform provided a constitutional basis for legislator to take positive measures, while the Act made it compulsory to have a minimum of 40 % of each sex as candidates for European elections (see Part Two). The respect of the general principle of gender balanced participation and the pro-active role of political parties in promoting equal representation of women and men in decision-making are defined in the Act on Equal Opportunities for Women and Men (see Part Two).

1.5 Legal framework for gender equality policy

With the aim to encompass the differences and interrelation of the two components of the gender equality international standards - anti-discrimination legislation and gender equality policy - the **Act on Equal Opportunities for Women and Men** was adopted in 2002. Its main elements are:

- introduction of legal basis for special temporary measures (positive measures);
- integration of gender perspective (gender mainstreaming) in policy development, implementation, monitoring and evaluation processes;
- strengthening gender equality institutions and structures with clear mandates, responsibilities and powers;
- introduction of mandatory development and adoption of national programmes to promote gender equality and their periodical action plans (every two years) to promote gender equality;
- introduction of systematic reporting on the implementation of national programmes to promote gender equality;
- defining who is responsible for the implementation of the act;
- introduction of new complaint procedures in cases of discrimination based on sex by appointing the *Advocate for equal opportunities for women and men* and of systematic reporting on investigation of cases to the Government.

The most recently adopted law of relevance to gender equality is the **Act implementing the principle of equal treatment**, adopted in May 2004. It is aimed to improve the protection in relation to discrimination based on sex and other grounds, such as race or ethnic origin, health condition, disability, language, religious or other conviction, age, sexual orientation, education and social status. The Act bans direct and indirect discrimination, harassment and victimisation and determines sanctions for violations, allows positive measures if they promote the achievement of its aims or are used as a compensation for less favourable position of persons with a particular personal circumstances. It also lays down the basis for the establishment of the *Council of the Government for the implementation of the principle of equal treatment*, which will among other tasks, provide for implementation of the provisions of the Act, monitor their implementation and initiate educational, awareness-raising, information and research activities for the promotion of equal treatment. The Act also assigns duties in relation to the consideration of informal complaints in relation to anti-discrimination rules to the *Advocate of the principle of equality*, a body for investigating complaints about alleged breaches of the equal treatment principle, and determines circumstances in which the Advocate shall cede a case to the competent inspection service.

2. Main gender equality policy-making achievements

Despite the fact that in Slovenia gender equality policy has not been designed and implemented on the basis of an action plan, commitments made by Government to promote gender equality were demonstrated by a number of political activities and political will. They resulted mainly in the following processes:

- making gender equality a natural part of the central and local governments;
- entrusting responsibilities for the promotion of gender equality to various actors at national and local levels;
- developing and strengthening national equality machinery;
- making the gender equality debate relevant for all, women and men through ensuring that the debate is anchored in people's actual gender equality problems, whether related to the family, the workplace or elsewhere in society;
- making actions compulsory through gender equality legislation.

With entering into force of the Act on Equal Opportunities for Women and Men the Government got a legal obligation to submit to the National Assembly (Parliament) a proposal for a Resolution on the National Programme for Equal Opportunities for Women and Men. The Office for Equal Opportunities is co-ordinating its preparation process, which is very close to its finalisation. The most important priority fields of action in the first national programme will be the following: education, labour market and equal pay, reconciliation between working and private life, health, violence against women, including trafficking in women and children and socially marginalised women and men. For its implementation policy that promotes change, places new issues on the political agenda, proposes new instruments and creates strategic alliances with social partners and NGOs on one hand, and policy that integrate gender equality objectives in all areas of regular policy on the other hand, will be used.

Progress achieved in various fields of action is reported under Part Two of this report.

Part Two: Progress in implementation of the selected critical areas of concern of the Beijing Platform for Action and the further initiatives and actions identified in the Twenty-third Special Session of the General Assembly

1. Education and training of women

The major changes that have taken place in Slovenia over the last decade called for changes in public services, and therefore in the education system as well. Back in February 1996 new legislation governing the organisational and financial issues of education was adopted. With regard to gender differentiation, the process of the introduction of changes in the system has been shifting its focus from the formal rights to equal treatment to substantial rights and the ensuring of equal opportunities at all levels of education system. The leading actors in education reform have been the National Curriculum Council and its Curriculum Commission. One of the guiding principles used in a preparation of national curriculum documents was equal educational opportunities. According to the new programmes and curricula the following activities have been carried out:

- systematic incorporation of the contents and topics relating to the differences between women and men in the subject area, with special attention to the history curriculum and the issue of the absence of women from the history of mankind and from the teaching of history;
- preparation of suitable recommendations for the writing of textbooks and teaching materials in which equal representation of male and female identification figures will be respected;
- elaboration of a standardised procedure for verifying how the recommendations have been taken into account;
- provision, within the cross-curricular theme of educational and vocational information, non-traditional models for the choice of an educational pathway and vocation;
- promotion of writing about the topic of gender roles and stereotypes, sexual harassment, violence, etc.;
- provision of systematic information for parents and the public about the issue of gender-specific education;
- creation of an environment, which will enable diversity and choice, promote tolerance, solidarity, and multiculturalism (and indirectly discard stereotypes).

Act on equal opportunities for women and men introduced also an obligation for the ministries responsible for education and labour as well as other bodies and persons with competencies in the field of education and vocational training to ensure equal treatment for women and men, especially with the preparation, adoption and implementation of public programmes of education or vocational training, to the attestation of schoolbooks and teaching aids and to the introduction of organisational innovations and the modification of pedagogical and andragogical methods. The act lays down also a general obligation to integrate education on matters of gender equality into the system of education and vocational training, which, among other things, shall include the preparation of both sexes for active and equal participation in all fields of society.

On average women in Slovenia are better educated than men (measured by the average school years of employed people), and the highest difference is observed among those with an university degree (12.5

% of employed women and 10.4 % of men). Since 1995 there were constantly about 10 % more women graduates at universities and independent higher education institutions. As in 1995 even after 10 years women predominate in higher education and at faculties devoted to areas of health and social work, economy, social sciences, pharmacy and medicine. We have been observing also increasing rate of women who complete postgraduate studies. In 1995 only 37 % of doctors of science were women, while in 2003 their share was already slightly less than 50 %.

In 2002 the Government adopted a Programme for Eliminating Educational Deficiencies by which Slovenia improves the educational composition of the adult population, decreases the structural inconsistencies on the labour market and improves employment opportunities with the inclusion of adults in educational programmes for the acquisition of publicly recognised lower and secondary vocational qualifications and a secondary or higher level professional and university level education as well as national vocational qualifications.

2. Women and health

In Slovenia under the law, compulsory health insurance includes all citizens of or inhabitants with residence in Slovenia as insured persons, either themselves or as family members of an insured person. This means 100% inclusion of the population in insurance. These rights are very extensive, since in addition to widely defined rights to health care services it also covers the right to financial substitute (sick pay over 30 days absence from work, reimbursement of travel costs, funeral and death benefits).

Health care of women is a constituent part of reproductive health care of the population of both sexes and all ages. The main achievements in providing comprehensive reproductive health care were observed in relation to family planning and extending the use of modern contraceptive methods. This work was for the most part carried out by health care workers responsible for women's health in women's clinics, education institutions and women's non-governmental organisations and their endeavours are shown also in the reduced abortion rate. Information, education and counselling on sexual and reproductive health, responsible parenthood and effective prevention of sexually transmitted diseases and HIV were an essential part of the national health policy.

Many activities to mobilise awareness and provide information on women's health were implemented over the past decade and designed both, to reach general population and targeted groups. Among them were those aimed to early detection of breast cancer and cervical and ovarian cancer and prevention of osteoporosis. Leaflets to make women acquainted with how to behave in order to early detect signs and symptoms of above mentioned cancers were published by the Office for Equal Opportunities in 2001 and 2002. Of more general nature was the leaflet issued by the Office for Equal Opportunities in which attention was drawn to the right of women to decide on their own body and to protect their privacy and personal dignity. A duty of the physician to explain what will be the diagnosing and treatment procedures and a patient's consent to medical interventions were also explained. The leaflet informed also what are ways and paths of an appeal.

State institutions and NGOs have also systematically carried out national education and information campaigns on the prevention of HIV/AIDS.

3. Violence against women

o Legislative changes

To address more sufficiently all forms of violence against women the Ministry of Labour, Family and Social Affairs established the Expert Council, which operates as an advisory body for developing policy responses to violence against women. The first step made by the Expert Council was to engage in assessment of this issue, which serves as a backup for providing guidelines for the development of legislation, strategies and actions. The Council's proposal to change the Penal Code relating to violence in family was already translated into new criminal offence (see Part One). In Part One we report also about other legal responses to violence against women, including trafficking in women and children. To further strengthen existing legal provision the Ministry of Labour, Family and Social Affairs has recently prepared a proposal of the Act to prevent domestic violence, which is being considered by other relevant ministries. This is a clear evidence that legislating against violence against women needs to be further developed in order to enhance its effectiveness, but on the other hand also an evidence, that this work is already envisaged.

o Changes in understanding and defining violence against women and in preventive and support work and provision of services

A more dynamic side of policy tackling violence against women was related to developing understanding and defining violence against women, developing preventive and support work and service provision.

Since 1995, the level of understanding has increased and violence against women has been more widely identified. Evidence of the nature, its particular forms, extent and effects of violence against women is improving and with it the recognition of the fact that it is perpetrated in most cases by men and is used to assert control over women. A major contribution to the development of understanding, were conferences, seminars and other forums organised at international, regional and national level and dissemination of a wide range of documents and papers prepared following these events. There are shortages which still require a lot of work, among them under-recorded and under-reported violence against women and myths about the causes.

Preventive work has been increasing in last 10 years. It was carried out mainly by National and local governments and parliaments, NGOs, trade unions, organisations involved in education and health through awareness raising and information national and local campaigns aimed to change attitude in the community ("zero tolerance"), to break taboos and discourage violence against women. Since 1999, when the first really extensive campaign was undertaken, the government Office for Equal Opportunities regularly organised, coorganised and/or supported specific activities and events organised to mark international days to end violence against women. There were various positive effects of such

campaigns: municipality councils discussed the problem, various actors organised round tables and public debates and media, which were in past only dealing with violence against women within “black chronicle” pages or radio and TV reports and often hinted at the women’s fault, started to avoid exploitative and sensational coverage (at least some of them). In the case of trafficking in women a seminar was organised for media professionals to contribute to the general awareness of trafficking in women in Slovenia and in a larger region.

Support work and provision of service to meet the requirements of women who experience violence have also been steadily improving. Although telephone helplines, crisis support, safe houses, legal support and counselling, social work and other services have been developed, evidence from many Slovenian regions confirms that their provision is not sufficient and always appropriate. Training (general and specialist) of professionals who are likely to be involved in working with women who experience violence (police, social workers, healthcare staff and education workers and others) has become a regular part of national response to violence against women. The major developments were achieved in specialist training for police officers. In 2001, for example, the Office for Equal Opportunities supported the translation and publication of a book “Violence against women – the responsibility of the police”. Training of police officers on issues affecting specific groups of victims, such as women trafficked for the purpose of sexual exploitation is becoming a part of police in-service work.

In addition to the above mentioned examples of the work that has been undertaken in Slovenia in the last decade to address violence against women in 2001 the Government appointed the *Working group for the fight against trafficking in human beings* and in 2004 adopted the first Plan of action to fight against trafficking in human beings.

o *Main challenges*

Responses to violence against women remain a priority for our future national activities. Special consideration will be given to addressing the remaining gaps in prevention, protection of women and service provision to women who experience violence. Among them further work with perpetrators is required in a framework of prevention. Protection of women calls for further actions in a process of development of the criminal law and civil remedies, and the level and type of services, provided to women who experience violence, and their funding also need further consideration. While the number of NGOs has increased and their capacity to work towards prevention of violence against women and to protect women’s rights has strengthened over the last decade and their networking and co-operation with other organisations and public services have improved, there are still gaps which request further action. Appropriate and sufficient support for NGOs is one of them.

4. Women and the economy

4.1 Legislative changes

As mentioned in Part One the Slovenian legislators and policy makers responded also to the double burden of women's paid and unpaid work by further developing policies aimed to support balancing of working and family life. A relatively strong position of women in working force achieved in the former socialist system together with fairly good legislative support for both employment and balancing of working and family life were key advantages for creating a new agenda of balancing parenthood with life dedicated to work and other forms of participation in public and community life. The essential innovation of the new Parental Protection and Family Benefits Act is paternal leave, which amounts to 90 calendar days. The right may be exercised only by the father (a non-transferable right) and he must use 15 days during the maternity leave (105 days) of the mother, and 75 days may be used up to 8 years of age of the child. The intention of this right is to enable a father to be equally involved in the child's care and upbringing during the child's earliest life period. Also the right to leave for the purpose of nursing and caring for a child (260 days after expiration of maternity leave) and extended leave (in some special circumstances - twins, a severely physically or mentally disabled child) belongs to both parents and they must agree on the manner of exercising these rights. The act also enables part-time working for one of the parents who cares for a child until her or his three years of age or for a child whose health condition calls for more intensive care.

Such legal measures accompanied by appropriate financial and institutional instruments and placed within our national caring across the life-course approach have proved to be essential part of strategies to increase economic independence of women and their participation in other spheres of life. In February 2003 more than 90 % of eligible fathers used the right of paid paternal leave in comparison of less than 1 % of fathers who used their right to paid leave for child nursing prior to the entering into force of the first 15 days of paternal leave (this right is entering into force gradually).

The new Employment Relations Act, adopted in 2002, introduced the prohibition of discrimination based on various grounds, including sex, which is a basic principle that must be taken into account in dealing with issues related to employment relationships, and in application and interpretation of the various provisions of the Act. In addition to a general ban of discrimination this Act for the first time in the Slovenian legislation laid down an obligation to provide equal opportunities and equal treatment to women and men in access to employment, promotion, training, education, retraining, wages and other income arising from employment relationship, absences from work, working conditions, working hours and notice of termination of the employment contract. In cases of a dispute the applicant or worker presents facts, which justify the assumption that the prohibition of discrimination was violated, the burden of proof lies on the employer and the employer is also liable for damages to the applicant or worker pursuant to general rules of civil law. In 2003, the Labour Inspectorate dealt with one case of violation of above mentioned provision.

Another important provision prohibits employers from advertising a vacancy exclusively for men or women, unless a specific sex is an essential condition for the work to be performed. This ban of

discrimination based on sex and of the use of sexist language in the wording of job vacancies has been tested by the Office for Equal Opportunities, which in 2004 carried out an analysis of published advertisements in mayor Slovenian daily newspapers and requested those employers who were not using definitions of jobs in both gender forms to stop such sexist practice. At the end of this action the Office for Equal Opportunities noticed that majority of advertisements in June and July 2004 were using both gender forms.

A provision on procedures of interviewing job applicants, which states that they are not obliged to answer questions that are not directly related to the employment relationship (such as family or marital status), is also of relevancy to recruitment process. Applicants are guaranteed protection in the labour court and the Labour Inspectorate can impose sanctions if employers do not respect the gender equality principle in interviewing procedures.

There is also a special article which prohibits sexual harassment by obliging the employer to provide such a working environment in which none of the workers is subject to employer's, superior's or co-worker's undesired treatment of sexual nature, including undesired physical, verbal or nonverbal treatment or other sexually based behaviour which creates intimidating, hostile or humiliating relationships and environment at work and offends the dignity of men and women at work. The employer is liable for damages if he or she fails to ensure such an environment and in cases of alleged violation of this provision a reversed burden of proof applies. The law provides institutional support for the prevention of sexual harassment, while judicial practices should establish the standards for resolving this problem.

Sex, age, marital status, family obligations and pregnancy are listed in the Employment Relations Act among the unfounded reasons for ordinary termination of an employment contract. The Act also obliges the employer to respect the equal pay for equal work or work of equal value principle.

As already mentioned in Part One the Act also protects workers in relation to pregnancy and parenthood. It obliges employers to guarantee the right to parental leave to both parents and to ensure to a breast-feeding mother the right to at least one hour break for breast-feeding during working time.

The Employment Relations Act provides for several types of sanctions in the event of violation of the provisions outlined above:

- it enables the worker to cancel the employment contract, while retaining the right to severance pay and compensation;
- it provides judicial protection to unsuccessful applicants if they believe that they have been victims of discrimination;
- fines may be levied for an employer.

Supervision of the implementation of the Employment Relations Act is exercised by the Labour Inspectorate, which in cases of violation of equal treatment principle can refer to courts.

To meet the need of informing and empowering employees about their rights and ways to enjoy them the Office for Equal Opportunities published a booklet *My rights*, which guides them through their rights arising from employment relations, and a leaflet about Advocate for equal opportunities for women and men. In addition women and men who believe they have been discriminated on grounds of their sex can report such cases by using a *Free Anonymous Telephone Line*, which has been operating at the Office for Equal Opportunities since May 1998. This telephone number was initially intended primarily for women facing various forms of discrimination and breaches of legislation in the labour market, mainly in connection with pregnancy and maternity, but later the Office extended its counselling to other areas as well. The number is opened to everyone in need of initial advice to resolve problems linked to unequal treatment in the workplace or seeking employment, domestic violence and other forms of sex-based inequalities.

Two most recent normative developments, which are directly related to employment matters and social protection, are the changes to the Constitution of the Republic of Slovenia (approved by the parliament in June 2004). The amendment to Article 14 on “Equality before the law” added *disability* to the explicitly mentioned personal circumstances that are not allowed to influence the guarantee of equal human rights. The amendment to Article 50(1) on the “Right to social security” introduced the right to pension and now reads: “Citizens have the right to social security under conditions provided by law, including the right to pension.”

4.2 *Employment and unemployment of women*

Women in Slovenia are traditionally very active, but still not equally represented on the labour market. In the first few years of transition to a market economy, extensive restructuring led to the number of employed in manufacturing and construction declining by one-third. This recession resulted in increasing unemployment for both men and women, but since traditionally male industries were hardest hit, the male unemployment rate in 1995 (7.7 %), was higher than the female rate (7.0 %). However, an analysis of the unemployment rate by sex over the whole decade clearly shows that the advantage did not last long. During the period of decreasing unemployment, the male unemployment gap had been gradually narrowing up to 1997, since when the female unemployment rate has exceeded the male unemployment rate, with the widest gap in 2001. In the last few years (1998 to 2002) the male activity rate has been decreasing (75.1 % to 73.1 %) while the female activity rate has been gradually increasing (62.7 % to 63.5 %) (according to the Labour Force Survey). In the same period the female unemployment rate (6.8 %) was higher than male unemployment rate (5.9%). A similar gender gap was observed in the employment rate, which for women was 58.9 % compared to men’s 68.7 %.

The relative difference between the average wages of women compared to those of men has varied over the past decade, from –11.4 % to –15 %. Employed women on average earned 12.2 % (2000) and 10.8 % (2001) less than men. The pay gap is now slightly smaller than it was in 1995 (15 %). The gender pay gap persists although women are on average better educated than men. On the other hand, women on average work 4.2 % fewer hours per week than men. Therefore, the adjusted female pay gap in Slovenia in 2002 was 11 %. This gender pay gap reflects the gender inequality on the labour market.

Looking at employment in terms of activity, gender segregation is obvious – both horizontally and vertically. Horizontal segregation places women and men in different groups of traditionally gendered activities. Typical female activities, based on annual statistical survey data, are textiles (78.8 % women), education (77.6 %), health care and social work (73.8%), financial services (70 %), leather (68.5 %), and hotels and restaurants (64.6 %). The most gender balanced employment sectors are public administration, other services, and electrical and electronic products. Vertical segregation places women in positions of lower status and with fewer promotion opportunities. In spite of changes in direction of desegregation in the category of legislators, senior officials and managers (in 1995 2.7 % and in 2002 4 % of employed women worked in this occupation), men still dominate the managerial positions (regardless of women's higher education). According to data of Chamber of Commerce of Slovenia in the 60 largest Slovenian companies there was no female top manager in February 2000. Women predominate in clerks and service workers. However it should be noted that during 1993-2002 gender segregation was diminishing in most occupations (except in professional and craft workers).

Data on employed women by employment status reflect another form of gender differences. In 2001, the vast majority of women were in paid employment (85.9 %) and only a minority were self-employed (6.5 %). The rest of employed women worked as contributing family workers (mostly in agriculture). Regarding employment status it was observed that over the last decade the share of women entrepreneurs was decreasing (12 % in 1993 and 7 % in 2002), while there was an increase in contributing workers among women (3 % in 1993 and 6% in 2002).

The new Act on Employment Relations reduced full working hours from previous 42 to maximum 40 hours per week. Data on average working hours usually worked per week show that men are working longer than women. In 2001 the average weekly working time was 41.8 hours. Women's working week was 40.8 hours or 4.2 % less than that of men, who worked 42.6 hours. One of the main reasons for the shorter average working week is the slightly lower share of women in full-time employment (92.6 % of women and 95% of men).

4.3 *Labour market development and employment policies*

By the end of the nineties various programmes of active labour policy have been carried out in Slovenia, among them: education, training and vocational rehabilitation, subsidising employment in non-profit sector, promotion of self employment, training and employment of disabled people and the subsidising of companies, which employ disabled persons, public works programme aimed to facilitate temporary work activity and social integration for the long-term unemployed, experimental and other programmes for alternative programmes of employment (assistance at home for elderly, people with disabilities). During 1996 and 1997 two-thirds of all persons included in job seekers club were women. In 1998 there were more than 60 % of women among the participants of training and educational programmes. Until the late 90s there has been no special positive actions aimed at women. Active employment policy programme for 2000 and 2001 indicated the beginning of positive changes. Ministry of Labour, Family and Social Affairs and Ministry for Small Enterprises and Tourism prepared the Programme for enhancing vocational promotion of women. The Active employment policy programme up until 2005 is also aiming to ease work and family reconciliation through:

- development of centres to help one-parent families;

- organisation of assistance to women entrepreneurs (child care, information office);
- programme to limit long hours working;
- programme to increase flexible forms of work.

The National Programme of Development of the Labour Market and Employment through the Year 2006 determined the achievement of gender equality at the labour market as one of the global long-term objectives by the year 2006. The National Programme defines the following measures oriented towards that aim:

- increase of equal opportunities for employment or activity in all occupations and activities;
- special support to women who establish their own companies,
- increase of involvement of women in programmes of education and training;
- decrease of gender segregation at the labour market and of the gender pay gap;
- development of measures for preventing, identifying and eliminating all forms of discrimination in recruitment, preservation of job, promotion, and in rights and benefits at work.

The Active Employment Policy Guidelines for 2002 and 2003 (adopted by the Government in February 2002) defined women as one of four target groups for participation in the active employment policy programmes (beside young persons up to 26 years of age, persons with disabilities, difficult to employ persons and redundant workers). Women oriented programmes were directed to assistance at home, encouragement of self-employment and encouragement of entrepreneurship.

In last several years unemployed women were included in the framework of active employment policy programmes mostly through the participation in programmes for education and training (60 % of participants were women) and public works (58 %). Within the independent active employment policy programme for encouraging the employment of women (the “Introducing Vocations to Women” programme), which is executed by the Ministry of the Economy and the Entrepreneurship Centre for Small Business, in the year 2001 activity was oriented towards the training of 30 promoters who are working at regional and local levels, participate in international networks and in promotional activities. The project is complex and is planned for the long term.

4.4 *Main challenges*

The main challenges in the development of future initiatives are elimination of both horizontal and vertical segregation as well as persistent pay gap. One of the major problems of working women in Slovenia is the double burden of paid and unpaid (domestic and care) work. The Time use Survey carried out from April 2000 to March 2001 revealed that women spent 4 hours and 57 minutes per day on domestic work (household work, caring and informal help to others), while men spent 2 hours and 39 minutes. These results are similar to those obtained by the previous studies on distribution of household and family responsibilities. To tackle this problem the Office for Equal Opportunities joined the Danish initiative to implement a transnational project aimed at promoting active fatherhood and elimination of gender stereotypes.

Until recently, sexual harassment has not been systematically analysed in Slovenia. By the end of 90s this form of violence entered public debate and the Office for Equal Opportunities published a leaflet and a poster tackling sexual harassment at work (in 1997). First initiatives of companies and public

institutions to develop and adopt codes of conduct aimed to ensure sexual harassment free working environment have also been reported recently. Further efforts to address this issue shall be encompassed in our national gender equality policy programmes and action plans.

· **Women in power and decision-making**

Efforts, which Slovenia has been employing to interfere with the persistent practice in the political decision-making, which remains a male dominated area, have not modified the relationship between women and men and the division of their powers. Over the last 10 years a number of supportive measures and programmes aimed at stimulating a gender balance in political life and public decision-making and civil society and NGOs political actions did not increase women's access to representative bodies.

The share of women elected to the National Assembly, which is the supreme legislative body in Slovenia and comprises 90 deputies elected through general, direct and secret election for a four-year mandate, never exceeded 13.3 %, representation of women in executive power varied from their complete exclusion to three women ministers, which in percentage terms gave them a maximum of 18.7 % of ministerial positions. Slovenia never had a female president or a prime minister. Women are even more underrepresented at local levels. After last local elections in 2002, only 11 municipalities out of 193 are headed by women mayors (5.6 %) and only 13 % of women were elected to municipal councils. In comparison to the results of the previous local elections the share of women mayors and the share of women municipal councillors increased for 2.2 %.

In the National Council, in which those who represent social, economic, professional and local interests sit on and which consists of 40 members, who are elected for a five-years term, there were five women councillors elected in 1997, and after last elections in 2002, their number fell to three.

For the first time the principle of gender balanced participation was realised in the Constitutional Court, which consists of nine constitutional judges. After the last elections in 2002, four women judges were elected and one of them holds the position of president of the Constitutional Court. The second time the gender balanced participation was achieved after introduction of 40 % quota into Act on elections to European Parliament, which made it possible that on elections on 13 June 2004 three women out of total of seven elected Slovenian members of the European Parliament were elected.

○ *Constitutional and legislative changes*

To challenge the low participation of women in political and public decision-making Slovenia adopted legislative and constitutional changes to facilitate a more balanced representation of women and men in elected bodies and public appointments. The obligation to respect the principle of gender balance representation in all appointments made by a minister or government to consultative and co-ordination bodies, working bodies, expert councils, national delegations to international organisations and fora was introduced with the adoption of the above mentioned Act on Equal Opportunities for Women and Men. The Act obliges the government to respect the principle of balanced representation of women and men also when appointing or nominating government representatives in boards of state-owned enterprises

and other public bodies. The same obligation applies to the national parliament (National Assembly) for the composition of working bodies and delegations established in accordance with its Standing Orders. To encourage political parties to develop strategies or special methods to increase the likelihood of women being elected the Act on Equal Opportunities for Women and Men stipulates that all registered political parties in Slovenia shall adopt, every four year, a plan for the promotion of a more balanced representation of women and men within the bodies of the party and on candidate lists for all elections. They have to adopt the first plan within one year or at their first Congress after the Act takes effect and to submit the plan to the Government Office for equal opportunities within three month following its adoption. Parties, which shall not comply with this provision, shall be sanctioned by paying a fine.

A second legal incentive were the amendments to the Act on elections to European Parliament, which were adopted in March 2004. The amendment to the article on candidate list introduced the 40% representation of both sexes on a candidate list and an obligation that at least one candidate of both sexes must be placed in the upper half of the list (in Slovenia a list may have seven candidates). Lists which are not in accordance with this regulation, are not valid and they are rejected by the National electoral commission. The enactment of this so called 40% quota rule was backed up by the forthcoming adoption of an amendment to the Constitution which would oblige Parliament to pass electoral legislation providing for positive measures and by a growing sense that the image of Slovenian democracy and its success might be endangered in Europe if nothing was done to improve the representation of women in European Parliament. And in fact, this rule placed Slovenia among EU member states with the highest percentage of women MPs in newly elected European Parliament (3 out of 7 members or 42 % are women).

The last normative change aimed to tackle the under-representation of women in elected representative bodies was the above mentioned change of the Article 43 on »Right to vote« of the Constitution of the Republic of Slovenia. The Slovenian parliament proclaimed this change (together with the two mentioned under Women and the Economy) on 23 June 2004. By it a new paragraph was added to the Article 43, which confers on the law the responsibility of defining measures for the promotion of equal opportunities for women and men in standing as candidates in elections to state bodies and bodies of local communities. This novelty represents a continuation of introducing measures into electoral legislation, which would facilitate a more balanced participation of women in political decision-making.

o *Supportive measures*

The above reported changes in the Slovenian legislation would not have happened if national organisations working for gender equality, i.e. Government Office for Equal Opportunities, women's groups within political parties, NGOs and particularly the Coalition for the promotion of gender balanced participation of women and men in public decision-making (established in February 2001 as a national movement group, which aims to support the achievement of gender balanced participation via development and adoption of legislative reform) would not have intensified their work aimed at stimulating a gender balance in political and public decision-making.

One of the permanent activities of the Office for Equal Opportunities is continuous monitoring of the position of women at all levels of public decision-making, particularly assessment and evaluation of results of national and local elections. In addition to the monitoring activities the following work was carried out:

- gathering and disseminating statistics on women and men in decision-making;
- establishment of regional networks of politically active women;
- organisation of international and national conferences, symposiums and seminars;
- implementation of projects Women can do it I, II and III aimed to capacity building for women considering entering political life, to strengthening the role of women's groups within political parties and to establish networks of women politicians, women representatives of the social partners and members of NGOs, women journalists and entrepreneurs, and young women at local levels (projects were implemented in co-operation of the Gender Task Force of the Stability Pact for South Eastern Europe and the Coalition for the promotion of gender balanced participation of women and men in public decision making);
- support to the research and studies on women's participation in and impact on decision-making and the decision making environment;
- translation, publication and dissemination of publications on gender balanced participation of women and men in public and political decision-making;
- support to and co-operation with NGOs and civil society groups tackling the issue of under-representation of women in decision-making;
- encouragement of political parties to promote gender equality and to ensure equal access to women and men to electoral mandates.

Part Three: Institutional Development

Institutional development was marked by a substantial progress in relation to government responsibilities for the advancement of women and gender equality, but unfortunately also with the loss of the special gender equality parliamentary working body.

After the last national elections in 2000, the parliamentary Commission for equal opportunities of women and men (which was established for the first time in 1990, when the first multi-party elections were held in Slovenia, and re-established in mandates 1992-1996 and 1996-2000) was not re-established. Its setting up was challenged by a rationalisation of working methods and procedures in the Slovenian National Assembly and by the introduction of gender equality issues (mainstreaming strategy) throughout the work of the parliament. Committee for internal policy was entrusted to be a focal point for gender equality, while all other parliamentary working bodies and the decision making process of the legislative authority have been made responsible for development of gender equality sensitive decisions. There are clear evidences in legislative measures passed in this mandate that debates and decisions of the parliament were undertaken with appreciation of gender differences, of the nature of relationships between women and men and of their different social realities, life expectations and economic circumstances. During a consideration of the draft Act on Equal Opportunities for women and men the parliament even amended certain provisions, which improved their implementation (for example, fines for political parties, which would not submit to the Office for Equal Opportunities their plan for the promotion of balanced participation of women and men in prescribed time limit were introduced with the amendment of the parliamentary committee). In addition to reported legislative changes (See Chapter One and Two) the parliament adopted a special provision, which guarantees non-sexist use of language in legislation.

While on one hand changes in the parliamentary special gender equality structures could be described as certain level of retrogression, on the other hand, the development at a level of government structures was very positive. The government body, which was introduced for the first time in 1992 and was since then operating under the name Women's Policy Office was renamed in 2001 and now operates as the government Office for Equal Opportunities. Its style of functioning, mandate, agendas and programmes of work have also been affected by changes. The Office for Equal opportunities took over all the tasks of the previous office and in addition undertook some new tasks, which were added to its mandate on the basis of the government decision under which its working areas and its mandate are defined (2001). Its role has been further strengthened by the entering into force of the two equality acts, the Act on Equal Opportunities for Women and Men (2002) and the Act implementing the principle of equal treatment (2004). The most important new tasks of the Office are:

- consideration of proposed acts and measures from the gender equality perspective and issuing opinions on them prior to their adoption by the Government;
- representation of the Government in gender equality activities of international and regional organisations;
- monitoring of the implementation of the Act on Equal Opportunities for Women and Men and regulations enacted on its basis;

- monitoring individual fields of social life from gender equality perspective and proposing to the government and ministries the adoption or amendments of laws and other regulations, as well as adoption of other supportive measures;
- co-ordination of activities aimed at implementing gender mainstreaming, including provision of professional assistance for the development of appropriate methods and techniques;
- co-ordination of the preparation of the national programme for equal opportunities of women and men and monitoring its implementation;
- co-ordination of the preparation of national report on the fulfilment of international obligation by the Republic of Slovenia in the field of elimination of discrimination against women and promotion of gender equality;
- initiation and promotion of gender-based research;
- approval of the introduction of positive measures and monitoring of their implementation;
- co-operation with NGOs and provision of partial funding for their project and activities;
- reporting to the government on a yearly basis on the activities and findings of the Advocate for Equal Opportunities of Women and men.

In 2003 the level of autonomy of the Office was questioned due to the reform of state administration. A proposal to administratively place the Office for Equal Opportunities for Women and Men under the structure of one of the ministries was challenged with the recommendation of the Committee on the Elimination of Discrimination against Women in its concluding comments after the consideration of the Second and Third report of Slovenia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (July 2003). Reconsideration of this proposal, which might affect actual mandate and powers of the Office to influence the policy development process and exert a proper impact on decision-making, resulted in a decision to maintain the Office for Equal Opportunities as a government professional service, which operates under the government structure. In addition to this positive influence of the CEDAW reporting system the financial and human resources of the Office have also increased. Indeed, they are still not sufficient, but with enforcement of gender equality legislation, which placed the duty for the creation of equal opportunities for women and men and the promotion of gender equality to the government as a whole and to its ministries at national level, and to local government communities at local levels, resources are secured also within their budgets. In terms of human resources at national level in each ministry a co-ordinator for equal opportunities for women and men was appointed (in accordance with the Article 13 of the Act on Equal Opportunities for Women and Men). The Office for Equal Opportunities carried out several meetings of the coordinators. The first meeting was carried out in the form of a workshop, at which gender equality policies were introduced, strategies for their realisation discussed and the status of women and men in Slovenia in various fields of public and private life presented. The discussions that followed made apparent the openness and readiness for cooperation as well as the understanding of the need for gender equality policies to become a part of the formulation of the policies of individual ministries. A plan was prepared for future activities and tasks: the establishment of a data base of research important for the field of gender equality; the preparation of informative material for individual fields and ministries on the importance of integrating the principle of the equality of women and men in the policies and the appointment of members of work groups for the national equal opportunity programme. Four local government

communities have also appointed a special coordinator for equal opportunities for women and men and other local governments are considering to follow these practice.

As reported in the Part One the Act Implementing the Principle of Equal Treatment lays down the basis for the establishment of the *Council of the Government for the implementation of the principle of equal treatment*. The composition of the Council will be based on a participatory principle, thus ensuring representation of social partners and relevant non-governmental organisations.

Part Four: Main challenges and actions to address them

The ten years of the implementation of the Platform for Action and the outcome of the Twenty-Third Special Session of the General Assembly have traced a path towards making equality between women and men a natural and important part of our social development. The need to see the rights ensured by legislative and institutional developments effectively enjoyed remains a central concern of the Slovenian gender equality policy.

Several challenges and actions to address them are indicated in our report under Parts Two and Three. Many others will be introduced with the First National Programme for equal opportunities for women and men, which is planned to be adopted by the Government and submitted for adoption to the Parliament in 2004.