



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Forty-second session

20 October-7 November 2008

### Concluding observations of the Committee on the Elimination of Discrimination against Women: Slovenia

1. The Committee considered the fourth periodic report of Slovenia (CEDAW/C/SVN/4) at its 858th and 859th meetings, on 24 October 2008 (see CEDAW/C/SR.858 and 859). The Committee's list of issues and questions is contained in CEDAW/C/SVN/Q/4 and the responses of Slovenia are contained in CEDAW/C/SVN/Q/4/Add.1.

#### Introduction

2. The Committee commends the State party for the submission of its fourth periodic report, which followed the Committee's guidelines for the preparation of periodic reports. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and its oral presentation and the further clarifications given in responses to the questions posed orally by the Committee.

3. The Committee commends the State party for its delegation which was headed by the head of the Office for Equal Opportunities and composed of representatives of that Office and from the Ministry of Health. The Committee appreciates the open and constructive dialogue held between the delegation and members of the Committee, but regrets that no high-level representatives with decision-making power were included in the delegation.

#### Positive aspects

4. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention in September 2004, and the acceptance in November 2006 of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

5. The Committee welcomes the ratification by the State party of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

Children, supplementing the United Nations Convention against Transnational Organized Crime.

6. The Committee commends the State party for the adoption of a number of legislative, judicial and administrative measures aimed at promoting gender equality, eliminating discrimination against women and combating violence against women. It specifically commends:

(a) The adoption of the constitutional amendment promoting equal opportunities for women and men standing as candidates in elections, as urged by the Committee in its previous concluding observations, and the amendments made to the National Assembly Elections Act and the Local Elections Act requiring balanced representation of both sexes on the candidate lists;

(b) The adoption of the Implementation of the Principle of Equal Treatment Act in May 2004 and the subsequent inclusion of the prohibition of discrimination in many laws, including the Roma Community Act, the Act Amending the Employment Relationship Act and the Insurance Act;

(c) The recent entry into force of the new Penal Code 2008 defining domestic violence as a specific criminal offence and the Domestic Violence Prevention Act 2008 defining, among other issues, different forms of domestic violence and providing for protection of victims.

#### **Principal areas of concern and recommendations**

**7. While recalling the obligation of the State party to implement all the provisions of the Convention systematically and continuously, the Committee views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party. Consequently, the Committee calls on the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls on the State party to submit the present concluding observations to all relevant ministries, other Government structures at all levels, the Parliament and the judiciary in order to ensure their effective implementation.**

#### **Parliament**

**8. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and it invites the State party to encourage its national parliament in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.**

#### **Visibility of the Convention and Optional Protocol**

9. While noting that information on the Convention, its Optional Protocol, the recent periodic reports of the State party and the concluding observations of the Committee are available on the website of the Ministry of Foreign Affairs and Office for Equal Opportunities, the Committee is concerned that the rights enshrined

in the Convention and the communication and inquiry procedures provided by the Optional Protocol, including the views of the Committee, are neither widely known nor utilized by women in the State party. The Committee is also concerned that there is a lack of familiarity with the Convention and the opportunities for its application and enforcement among the judiciary, and notes that while the Convention is directly applicable at national level, the provisions of the Convention have not been invoked before national courts.

**10. In line with the objectives of the Convention and, in particular, article 13 of its Optional Protocol, the Committee calls on the State party to take concrete measures to make these two instruments widely known. In this respect, the Committee requests the State party to take measures to raise awareness among women of their rights under the Convention and the communication procedure provided by its Optional Protocol by, inter alia, undertaking training and capacity-building programmes as well as publishing and disseminating information material. It further requests the State party to ensure that the Convention and its Optional Protocol, as well as the Committee's general recommendations and the views adopted on individual communications, are made an integral part of educational curricula for relevant sectors, in particular in law curricula and the training of judges, lawyers and prosecutors.**

#### **Principle of gender equality**

11. While noting the adoption of the Implementation of the Principle of Equal Treatment Act which amended some provisions of the Equal Opportunities for Women and Men Act and other measures taken by the State party to realize equality between women and men, the Committee notes with concern that there do remain impediments to the realization of de facto equality between women and men.

**12. The Committee recommends that the State party develop appropriate mechanisms and capacity to monitor implementation and measure impact of the legal provisions and other measures that guarantee women de jure equality so as to ensure that they also benefit women de facto. The Committee reiterates its request made in its previous concluding observations to provide, in the next report, an assessment of the implementation and the results of all laws, policies, plans, programmes and other measures taken to eliminate discrimination against women in all areas of their lives.**

#### **National machinery for the advancement of women**

13. While welcoming the fact that the Office for Equal Opportunities remains an autonomous governmental body after the reorganization of the State administration, the Committee is concerned that its transformation into a general anti-discrimination body may lead to a lessened focus on and visibility of discrimination against women and a lack of continuity in gender-equality policies and, consequently, to a lower level of protection of women. The Committee is also concerned at the low number of cases examined by the Advocate for Equal Opportunities for Women and Men and the current appointment of only one Advocate for implementation of equal treatment with a wide mandate as a general anti-discrimination advocate, and whose position is that of a governmental official.

**14. The Committee recommends that the State party further strengthen the authority, status and visibility of the Office for Equal Opportunities, as well as**

**its financial and human resources, so that it can adequately fulfil its expanded mandate and continue to promote gender equality, advancement of women and full implementation of the Convention. The Committee further recommends that the Government consider the establishment of an Advocate for Equal Opportunities for Men and Women with independent status and adequate mandate, authority and visibility.**

15. The Committee notes with satisfaction the recent establishment of a deputy Ombudsperson on the Rights of the Child within the Ombudsman's Office dealing specifically with children's rights.

**16. Taking this into consideration, the Committee encourages the State party to establish a deputy Gender Equality Ombudsperson with a specific mandate to promote the rights of women.**

17. The Committee is concerned at the slow process of gender mainstreaming at local level, in particular with respect to appointment of coordinators for equal opportunities for women and men.

**18. The Committee recommends that the State party take active steps to promote the appointment of Coordinators for Equal Opportunities for Women and Men to all local communities, in line with the Equal Opportunities for Women and Men Act.**

#### **Non-governmental organizations**

19. While welcoming the important role played by non-governmental organizations and other civil society groups in implementing the gender-equality policy and the measures designed to fight violence against women and trafficking, in particular to protect victims, the Committee is concerned at the limited financial support available for the non-governmental organizations involved in provision of services for promotion of women's rights and the lack of transparency in the distribution of funding.

**20. While encouraging the State party to continue to develop its collaboration with civil society, the Committee recommends that the State party ensure that an adequate level of funding is made available for the non-governmental organizations to carry out their work and that the distribution of funds is conducted in a transparent manner.**

#### **Stereotypes and cultural practices**

21. While noting the State party's initiatives to eliminate stereotypes, the Committee is concerned at the persistence of stereotypic attitudes towards women and their role in the society, which contribute to women's disadvantaged position in a number of areas, including in the labour market and access to decision-making positions, and affect women's choices in their studies and professions. In this respect, the Committee notes the State party's own acknowledgement of the situation and its concern, expressed during the constructive dialogue, at the persistence of women's occupational segregation.

**22. The Committee recommends that the State party intensify its efforts to change stereotypic images and discriminatory attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the**

family and in society. The Committee also recommends that the State party develop measures aimed at addressing women's occupational segregation and the diversification of women's academic and professional choices, including in non-traditional fields.

#### **Violence against women**

23. While welcoming the current legal and other measures undertaken by the State party to eliminate violence against women, in particular the adoption of the Domestic Violence Prevention Act 2008, the Committee remains concerned at the continuing prevalence of violence against women and girls, the number of women murdered by their intimate partners, and the absence of a comprehensive national strategy and programme to combat all forms of violence against women and girls.

24. **The Committee calls upon the State party to address the issue of gender-based violence in a comprehensive manner, in line with general recommendation 19. In this respect, the Committee recommends that the State party develop a comprehensive strategy or action plan to prevent and eliminate all forms of violence against women and girls and an effective institutional mechanism to coordinate, monitor and assess the effectiveness of the measures taken. The Committee further recommends that the State party study and analyse all cases of murders of women by their intimate partners and, on that basis, adopt effective measures to protect women from this particular type of violence. The Committee urges the State party to ensure that a sufficient number of safe crisis centres and shelters are available to women victims of violence, staffed by expert personnel and provided with adequate financial resources for their effective functioning. The Committee requests the State party to provide, in the next periodic report, an analysis of the impact of the implementation of the Domestic Violence Prevention Act on the prevalence of violence against women.**

#### **Trafficking in women and girls**

25. While acknowledging the measures taken by the State party to combat trafficking in women and children, including the amendment of the Penal Code to include a specific provision on trafficking in human beings and the possibility of temporary residence permits for the victims of trafficking, the Committee is concerned at the continuing prevalence of trafficking and the fact that in spite of the initiation of criminal investigations into cases of alleged trafficking and the high number of alleged victims, no sentences on trafficking have yet been issued.

26. **The Committee urges the State party to continue its efforts to combat all forms of trafficking in women and children, in line with article 6 of the Convention. The Committee recommends the expansion of training activities for the judiciary, prosecutors and other public officials and expansion of those activities to relevant non-governmental organizations so as to ensure the prosecution and punishment of perpetrators. The Committee also recommends that the State party pursue international, regional and bilateral cooperation efforts with countries of origin, transit and destination to prevent trafficking and bring perpetrators to justice.**

**Political participation and participation in public life**

27. While noting the efforts made to increase the number of women in elective bodies at the European, national and local levels, the Committee is concerned at the lack of results achieved pursuant to the introduction of the quota system through the amendment to the National Assembly Elections Act, as reflected in the proportion of women elected to the National Assembly in the latest elections, in 2008, namely, 13.3 per cent as compared with 12.2 per cent in 2004, and notes the State party's acknowledgement of the situation. The Committee notes the increase of the proportion of women elected to municipal councils from 13.1 to 21.5 per cent in the last elections in 2006, but is concerned that the share of women mayors fell from 6 to 3 per cent during the same period of time.

**28. The Committee calls on the State party to strengthen its efforts to increase the number of women participating in political life, in particular at the national level, and revisit the national Assembly Elections Act in light of the results produced in the most recent elections in order to accelerate political advancement of women in the next elections. To this effect, the Committee recommends that the State introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also recommends that the State party strengthen its efforts to promote women to positions of mayor in municipalities by, for example, introducing temporary special measures. The Committee also recommends that the State party enhance awareness-raising campaigns on the importance of women's participation in political life and organize special capacity-building initiatives for women candidates for election or for mayors.**

**Employment**

29. The Committee notes the measures taken by the State party to support the participation of women in the labour market and address the vertical and horizontal segregation between women and men, and the reported decrease in the pay gap. It also notes the measures taken by the State party to reduce unemployment among women, such as the adoption of the Active Employment Policy Measures Programme and specific programmes aimed at providing assistance to long-term unemployed women. The Committee remains concerned, however, at the persistence of vertical segregation between women and men in the labour market, in both public and private sectors, and the continuing pay gap, as well as the high proportion of women, especially young women, employed on fixed-term contracts in comparison with men, and notes the State party's acknowledgement of the situation. While welcoming the adoption of specific provisions prohibiting sexual harassment in the workplace, the Committee expresses concern about the high incidence of sexual harassment in the workplace and the low level of reporting by women of such harassment.

**30. The Committee recommends that the State party continue to take concrete measures to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the pay gap between women and men. It calls upon the State party to prioritize the realization of de facto equal opportunities for women and men in the labour market and to take measures aimed at decreasing the high proportion of women in comparison with men employed on fixed-term contracts. To this end, the Committee recommends that the State**

party take steps to widen the options available to women in both the public and the private sector, inter alia, through implementation of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, wherever possible. The Committee further recommends that the State party introduce specific measures to address sexual harassment in the workplace, including those aimed at encouraging women to report such harassment.

#### **Health**

31. While welcoming the establishment of the Working Group on the Prevention of Maternal Mortality to examine the root causes of maternal mortality, the Committee remains concerned at the persistence of the high maternal mortality rate in the State party.

32. **The Committee urges the State party to take targeted measures to lower the maternal mortality rate, including through implementing the recommendations proposed by the Working Group on the Prevention of Maternal Mortality and improving the access by women to sexual and reproductive health information and services. The Committee also encourages the State party to carefully monitor the delivery of health services in order to respond in a gender-sensitive manner to all health concerns of women. In this regard, it invites the State party to utilize general recommendation 24 as a framework for action to ensure that all health policies and programmes integrate a gender perspective.**

#### **Economic consequences of divorce**

33. While noting that the Marriage and Family Relations Act provides that property obtained during the time of the relationship is considered joint property to be equally divided upon dissolution of the relationship, the Committee is concerned that the current legislation on distribution of property may not adequately address economic disparities between spouses resulting from the existing sex segregation of the labour market and women's greater share in unpaid work, in particular because the Act does not clearly define which property rights form joint property.

34. **The Committee calls upon the State party to undertake research on the impact of the economic consequences of divorce on both spouses, with specific attention to the enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career pattern. The Committee recommends that the State party review its current legislation in light of the outcome of the research and include information to this effect in its next periodic report.**

#### **Vulnerable groups of women**

35. While noting the adoption of the Roma Community Act and welcoming achievements made in combating stereotyping of Roma, the Committee is concerned that Roma women and girls remain in a vulnerable situation and subject to discrimination, including with regard to education, health, housing and employment. It is further concerned about the low level of Roma women's formal education and the school dropout rates among Roma girls.

36. **The Committee urges the State party to take urgent and concrete measures to address stereotypic attitudes towards Roma women and girls, and accelerate their achievement of de facto equality. The Committee recommends that the State party intensify efforts to promote the access of Roma girls to education and their retention in all levels of education, and to address the high rate of unemployment among Roma women. The Committee recommends that the State party collect and make available statistical information pertaining to the education, health, employment and social, economic and political status of Roma women and girls, with a view to developing further specific policies to respond to their needs. It also requests the State party to include that information in its next periodic report.**

37. The Committee expresses concern at the situation of rural women, in particular older rural women, including their access to education, health-care services and income-generating activities.

38. **The Committee encourages the State party to develop special policies and programmes aimed at the economic empowerment of rural women and ensuring their access to health-care services, education and social services. The Committee requests the State party to include in its next periodic report more information and data on the situation of rural women, and of older rural women in particular, and on any policy aimed at their economic empowerment as well as their access to education and health-care services.**

#### **Beijing Declaration and Platform for Action**

39. **The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

#### **Millennium Development Goals**

40. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

#### **Ratification of treaties**

41. **The Committee notes that States' adherence to the nine major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore,**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.



**the Committee encourages the Government of Slovenia to ratify the treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.**

**Dissemination of concluding observations**

**42. The Committee requests the wide dissemination in Slovenia of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the measures that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. It requests the State party to continue to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

**Follow-up to concluding observations**

**43. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 14 and 28 above.**

**Date of next report**

**44. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its combined fifth and sixth periodic report in May 2013.**

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