



**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

Summary record of the 858th meeting (Chamber A)

Held at the Palais des Nations, Geneva, on Friday, 24 October 2008, at 10 a.m.

Chairperson: Ms. Simms (Vice-Chairperson)

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In the absence of the Chairperson, Ms. Simms (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fourth periodic report of Slovenia (CEDAW/C/SVN/4; CEDAW/C/SVN/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Slovenia took places at the Committee table.*

2. **Mr. Logar** (Slovenia), highlighting the positive impact of policies and approaches adopted over the previous five years to accelerate the implementation of Slovenia's obligations under the Convention on the Elimination of All Forms of Discrimination against Women, said that Slovenia had ratified the Optional Protocol in 2004 and accepted the amendment to article 20, paragraph 1, of the Convention in 2006. Follow-up to the Beijing Platform for Action had also provided a major policy framework for strategies on non-discrimination and gender equality. In commemoration of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, the Ministry of Foreign Affairs planned to publish a Slovenian language compilation of all periodic reports it had submitted to treaty monitoring bodies along with their respective concluding observations.

3. The amendment to article 43 of the Constitution of the Republic of Slovenia laid the foundation for the introduction of measures that encouraged de facto gender equality among electoral candidates. The Election of Slovenian Members to the European Parliament Act had introduced quotas for gender representation on the lists of candidates, and in 2004 Slovenia had been among the few European Union member States with more than 40 per cent women among its members in the European Parliament. Target quotas for the composition of electoral lists were set in the Local Elections Act of 2005 and the 2006 National Assembly Elections Act. Both laws called for a gradual increase in the proportion of minimum representation, at each successive election, up to 40 per cent in local elections and 35 per cent in parliamentary elections.

4. In the 2006 local elections, when quotas had been applied for the first time, those measures had proven effective in improving the share of elected female municipal councillors by 8 percentage points. However, the introduction of quotas had not significantly affected the results during the most recent National Assembly elections. Although the share of women running for office had increased by 11 per cent in comparison with previous elections, there had been only a 1 per cent increase in the number of women elected. A more thorough understanding of the problems and the contextual elements influencing the process would greatly assist future efforts to boost the representation of women in Parliament.

5. The Implementation of the Principle of Equal Treatment Act adopted in 2004 and amended in 2007, complemented the 2002 Equal Opportunities for Women and Men Act. The provisions regulating the adoption of special temporary measures had also been amended to simplify the process.

6. Significant steps had been taken to combat violence against women. Amendments to the Penal Code, scheduled to take effect in November 2008, imposed more severe sanctions for crimes against sexual integrity and defined domestic violence as a separate criminal offence. Furthermore, the Domestic Violence Prevention Act of February 2008 was the first law to define domestic violence, and provided comprehensive preventive measures to ensure the safety and protection of victims, while granting them appropriate support and assistance. The Act also promoted systematic inter-agency cooperation, training of professionals in relevant fields, and the re-socialization of perpetrators of domestic violence.

7. Important legislation had been developed to provide protection and assistance to victims of trafficking and sexual exploitation, both of which were defined as criminal offences by the Penal Code and the Witness Protection Act. The Registration of Same-sex Partnership Act and the Roma Community Act had also been adopted.

8. The successful development and implementation of policies and strategies required effective and functional institutional mechanisms on gender equality. In that context, gender equality and mainstreaming mechanisms had been strengthened. The National Programme for Equal Opportunities for Women and Men had set clear objectives to be achieved through

ministerial initiatives supported by appropriate funding. In addition to gender equality action plans, specific action plans to combat human trafficking had led to increased law enforcement response and victim assistance during the period under consideration.

9. Although sectoral and occupational segregation in the labour market persisted, women enjoyed growing economic independence. Women's rate of employment stood at 85 per cent among women 25 to 49 years old, only 5 points below the rate for men in that age group. Their unemployment rate had dropped by 1.5 per cent, which represented a decline in long-term unemployment among women. At the same time, the wage gap with men had narrowed by 3 per cent. Efforts to reconcile professional and private life had resulted in an employment rate of women with dependent children amounting to 8 per cent above that of women without children, and working fathers exercised their right to paid paternal leave in increasing numbers.

10. Turning to education, he said that girls in Slovenia generally had higher levels of academic achievement than boys. Although Slovenia had one of the highest percentages of young women who had completed secondary education in the European Union, choices of fields of study continued to be segmented, with very few women in traditionally male-dominated fields. Future efforts would focus on encouraging girls to broaden their educational horizons, which would empower them to challenge traditional gender roles.

11. Gender stereotypes remained a persistent cause of inequality between men and women in all spheres. The Slovenian presidency of the European Union in 2008 had convened a Conference on Gender Equality: Elimination of Gender Stereotypes — Mission (Im)Possible? The key messages from that conference had been incorporated into the conclusions of the Council of the European Union on eliminating gender stereotypes in society. Through the adoption of those conclusions, the Government of Slovenia had agreed to strengthen the implementation and monitoring of its gender equality strategies and to develop initiatives for the portrayal of positive gender roles and the image of women in the media. It was also committed to the promotion of actions designed to eliminate gender stereotyping in education, culture, training, vocational guidance and the labour market.

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12. **Mr. Flinterman**, noting that the Convention had not been invoked in Slovenian courts because greater emphasis was placed on national legislation, said that he hoped that domestic legislation would be interpreted in line with the Convention and guided by the Committee's general recommendations. He asked for precise information on the content of the programmes designed to raise awareness among legal practitioners and lawmakers on various aspects of the Committee's work, such as discrimination and gender equality.

13. With reference to national human rights institutions, he enquired about the functions of the Human Rights Ombudsman, the plans to strengthen the monitoring role of the Ombudsman, and the links between the Ombudsman and the Advocate of the Principle of Equality.

14. Reports of discrimination against lesbians in Slovenia had led him to wonder whether either the Equal Opportunities for Women and Men Act or the Implementation of the Principle of Equal Treatment Act covered discrimination based on sexual orientation. As the role of the Advocate of the Principle of Equality, included the examination of cases of alleged discrimination due to personal circumstances such as sexual orientation, he wondered whether any such cases had been submitted to the Advocate, and, if so, what had been the outcome.

15. **Ms. Šimonović** said that, following the ratification of the Optional Protocol by Slovenia, it was all the more important for the Government to submit the previous comments and recommendations of the Committee to Parliament for discussion. She asked whether the relevant parliamentary committee had been involved in following up on those recommendations and whether it had participated in the preparation of the current report. She also asked what specific training, apart from general human rights studies, was offered in the legal curriculum to give future members of the judiciary an opportunity to learn about procedures mandated by the Convention.

16. Although the periodic report and the responses to the list of issues had indicated that the Government enjoyed good cooperation with civil society, the level of funding reportedly provided for NGO projects was low, and the reported lack of transparency in the distribution of such resources was a cause for concern.

17. **Ms. Tavares da Silva** asked for clarification of the current status of the Office for Equal Opportunities, since its mandate had been enlarged to encompass all forms of discrimination. She was curious to know how its expanded role had affected its work in the area of gender equality and how the Government intended to ensure that efforts to promote gender equality were not undermined by the enlarged mandate. Had the human and financial resources of the Office been increased commensurate with the expanded mandate?

18. She asked for an explanation of the slow pace of gender mainstreaming at the local level and why there were few local structures for mainstreaming, and further, whether the Advocate for Equal Opportunities for Women and Men and the Advocate of the Principle of Equality were separate entities, how the independence of the Advocates was guaranteed, and whether there was any overlap in their mandates.

19. **Ms. Shin** said she was interested in knowing about the scope of cooperation between the Government and NGOs, especially with respect to women's organizations, in the preparation of the periodic report and in the general implementation of the Convention. She asked whether direct consultations had been held with NGOs, whether they were given ample time in which to respond to the Government's initiatives, how many NGOs had accepted the Government's invitation to participate in the process, and to what extent their opinions and proposals had been incorporated.

20. She asked for further information on the size and composition of the staff of the Office for Equal Opportunities, and on the division of labour among its staff. It was her impression that priority was given to equal treatment at the expense of gender equality, since the Government had not established advisory bodies for its work on equal opportunities. The relatively few complaints of discrimination might be an indication that Slovenian women were unaware of the mechanisms that had been established to protect their rights under the Convention; she therefore asked what steps were taken to provide that information.

21. **Ms. Pučnik Rudl** (Slovenia) said that the Committee's input would be taken seriously and that follow-up on the next batch of recommendations would be carried out in a diligent fashion. The Government was committed to resolving the outstanding issues.

22. **Ms. Božič** (Slovenia) said that although there was no established procedure for updating legal professionals on the Committee's work, the Office for Equal Opportunities was actively engaged in training all staff of the judicial system, through a series of workshops, on the relevant aspects of gender and discrimination. Apart from such forums, the legal education curriculum on international public law, social security and labour law at the university level included components on gender discrimination.

23. The role of the Advocate for Equal Opportunities for Women and Men was governed by the corresponding Act adopted in 2002. Therefore, all opinions drafted and measures taken in response to claims raised in that domain were influenced solely by the content of that law. The Advocate and the Office addressed all forms of discrimination. The adoption of the Implementation of the Principle of Equal Treatment Act was an attempt to go more deeply into issues relating to gender discrimination. The mandate of the Advocate of the Principle of Equality was more general in nature. Currently a single individual held both roles, and tended to focus mainly on cases of discrimination. Additional legislation had been passed in 2007 to strengthen the institution of advocacy and promote independence of the Advocate. Although the work of the Advocate fell within the ambit of the Office for Equal Opportunities, the director of that Office could not influence the Advocate's decisions.

24. The Implementation of the Principle of Equal Treatment Act (ZUNEO) had been amended to further enhance efforts to eliminate discrimination based on gender or other personal characteristics, including sexual orientation. The law also provided for the appointment of special advocates; it was conceivable that an advocate could be appointed to deal solely with cases of gender discrimination.

25. The Advocate of the Principle of Equality and the Human Rights Ombudsman were independent and there was a clear distinction between their competences. The Advocate was responsible for cases arising in the private sphere, while the Ombudsman dealt with human rights violations committed by State bodies. Factors that accounted for the relatively small number of complaints of gender discrimination included the size of the population, the division of labour for handling such cases and the emergence of the prominent role played by the Office for Equal Opportunities. Additionally, cases in which the

advisory competence of the Advocate was applied to the resolution of a dispute had not been included in the overall statistics.

26. **Ms. Salecl** (Slovenia) said there had been no recent change in the status of the Office for Equal Opportunities, and apart from its 10 regular staff, one short-term staff member had been hired. However, its economic situation had improved since 2005. Assets had increased by approximately 25 per cent, due to an influx of funds from European Commission sources and the national budget allotment, which had increased by 10 per cent. The educational standard of staff had also risen: experts recruited by the Office now had higher academic qualifications in gender studies than previously.

27. With regard to the concern that new responsibilities might undermine the effectiveness of the gender equality portfolio, she explained that the additional task consisted of coordinating the Government's policy on anti-discrimination, and did not represent a challenge to the capacity of the Office. She was confident that the focus on gender equality had not suffered.

28. In response to the question relating to local coordinators, she said that the Equal Opportunities for Women and Men Act provided for the appointment of local Advocates, but there was no requirement for each community to have one. The fact that the number of local Advocates had increased from 5 to 10 could be attributed to the organization of a series of awareness-raising events on gender equality targeting local administration officials, NGOs and employers, among others. Although the process had been slow, efforts would continue until each municipality had its own Advocate.

29. Turning to the topic of NGO cooperation and funding, she agreed that the level of resources available was relatively low, although it had actually increased over the previous two years. Current funding earmarked for NGO projects, about 20,000 euros, represented approximately 5 per cent of the budget of the Office. During the preparation of the periodic report, NGOs had been invited to submit proposals, but the reason for their lack of response was unknown. Nevertheless, the Office for Equal Opportunities had enjoyed fruitful cooperation with NGOs in a number of past ventures.

30. In terms of familiarity with the Convention within the Government, she said that the periodic reports were normally submitted to Parliament, but greater effort would be made to solicit the input of members at the drafting stage. At the end of the previous reporting cycle, the Committee's concluding observations had been discussed within the Government, and all ministries were encouraged to take them into account when formulating new policies. The Government wanted to involve the relevant stakeholders, such as NGOs and parliamentarians, in the implementation of the Convention, and to that end, had embarked on a massive campaign to publish and distribute copies of the Convention and the Optional Protocol.

31. **Ms. Božič** (Slovenia), referring to the reluctance of legal professionals to invoke the Convention before the courts, said that the Constitution also enshrined the principle of gender equality. She believed that the visibility of the Convention would be enhanced by the Government's renewed effort to sensitize the members of the judiciary on the scope of the Convention, and to encourage them to invoke the case law already adopted under the Optional Protocol.

32. **Ms. Salecl** (Slovenia) said that membership of the Government Council for the Implementation of the Principle of Equal Treatment included the director of the Office for Equal Opportunities and a representative of an organization dealing with gender equality. It monitored and evaluated the treatment of various population groups and formulated proposals and initiatives for the preparation of regulatory mechanisms. To date, the Council had mainly dealt with gender issues even though its mandate extended to other personal circumstances.

33. **Mr. Flinterman** said that he took it that discrimination on the basis of sexual orientation was explicitly prohibited under the Implementation of the Principle of Equal Treatment Act. He asked the delegation to verify that the mandate of the Advocate of the Principle of Equality included the examination of complaints lodged by women who had suffered discrimination due to their sexual orientation. He asked whether the Advocate was competent to handle such cases arising in both the public and private spheres.

34. Although there was a team of experts on gender affairs within the Office of the Human Rights Ombudsman, the fourth periodic report contained little

information on that subject. Given the status of that Office as an independent national human rights institution, and the fact that the Office for Equal Opportunities had been described as an autonomous body, he asked for clarification of the distinction between the terms “independent” and “autonomous” in that context. Furthermore, did the Government of Slovenia intend to upgrade the status of the Ombudsman’s Office to that of a full-fledged national human rights institution, in accordance with the Paris Principles?

35. **Ms. Šimonović** asked which term, “local coordinator” or “local advocate”, was correct. She also asked the delegation to specify the official title of the person who currently held the position as the Advocate for Equal Opportunities for Women and Men and Advocate of the Principle of Equality. She was interested in knowing about the practical operations of that official since the functional mandate was governed by two separate laws.

36. Concerning the competence of the Ombudsman, the Committee on the Rights of the Child had recommended in 2004 that Slovenia should either appoint a deputy ombudsperson, a section within the Human Rights Ombudsman’s Office, or a separate children’s ombudsperson for monitoring the implementation of provisions on children’s rights. She asked whether the Government of Slovenia had done so, or whether it had considered developing a specialized department on gender equality within the Office of the Ombudsman.

37. **Ms. Salecl** (Slovenia) said that raising awareness on gender issues had been a priority for the Office for Equal Opportunities. Public information campaigns on gender had given rise to a variety of activities, including the convening of workshops and conferences and the publication of informational material aimed at stimulating discussion of problematic issues. The Office also implemented directives on gender discrimination, and had received recognition for its role in that field. A free anonymous hotline had been set up to receive discrimination complaints.

38. **Ms. Božič** (Slovenia) said that the Office of the Ombudsman had an independent source of financing, whereas the Office for Equal Opportunities was a Government entity, acting as the main authority in the field of gender equality, with responsibility for the formulation of State policy. The Advocate of the

Principle of Equality was defined, by ZUNEO and its subsequent amendment, as an independent official who although a staff member, did not take instructions from the director of the Office. As far as comparative competences were concerned, the Ombudsman was responsible only for violations in the public sector, whereas the Advocate could also examine alleged violations committed by private law entities. Steps had been taken to increase the functional and organizational independence of the Advocate of the Principle of Equal Treatment when the Act was amended in 2007, and further efforts would be made to strengthen the role of the Advocate who also dealt with allegations of discrimination based on gender. However, a special advocate, with even more stringent requirements in terms of independence, could be appointed if the caseload became particularly demanding.

39. The Implementation of the Principle of Equal Treatment Act explicitly prohibited discrimination based on sexual orientation.

40. **Mr. Flinterman** pointed out that articles 8 and 9 of the amended Equal Opportunities Act which provided for the adoption of temporary special measures in line with general recommendation No. 25, had since been revoked by article 10 (a) of ZUNEO, which allowed for the application of temporary special measures if the purpose and ground for such measures were specified. The Government expected that approach to facilitate the adoption of special measures, but he did not share its optimism because of a general tendency for societies to resist such measures. The Government seemed to be shirking its responsibility to apply temporary special measures where appropriate, a task that should not be relegated.

41. **Ms. Coker-Appiah** commended the measures and initiatives the Government had implemented to eliminate gender stereotypes during its presidency of the European Union. She was, however, concerned that sparse information on Roma women and other minorities had been provided in the report, despite the issues raised in the Committee’s previous concluding observations. She asked how the Government intended to ensure that measures aimed at addressing gender stereotypes and violence against women were applied equally to women of those communities. She also wished to know whether legal aid or other services were available to the Roma. She requested further details on the content of the Roma Community Act and

asked to what extent it was expected to improve the situation of the Roma.

42. **Ms. Šimonović**, recalling general recommendation No. 19 and the obligation of States parties to act with due diligence in order to prevent violence against women, asked whether a systematic assessment had been made of preventive measures that broadened the protection of women from their former spouses and partners.

43. The importance of coordination and cooperation between law enforcement personnel, NGOs and all other actors involved in the prevention of violence against women had been acknowledged. She was therefore curious to know who was responsible for the national programme and action plan to combat violence against women; what form of cooperation with NGOs was envisaged, the amount of resources allocated for that purpose, and the nature of services provided to victims. She asked how many women could be accommodated in crisis shelters, and to what extent were they funded by the Government.

44. **Ms. Chutikul** said that she was curious to know why sentences had not been handed down for trafficking offences between 2005 and 2007, even though many cases were pending. Experience had shown that there was a tendency for sentences to be suspended when magistrates underestimated the gravity of such crimes, and it was often only after sensitizing the judiciary that perpetrators were brought to justice. She asked the delegation to explain why cases had been suspended in the first place, and what was the prevailing policy on prosecution. She also asked for information on the countries of origin of the men who were allegedly victims of trafficking and on the outcome of the cases.

45. She requested information on joint programmes with NGOs to provide assistance to victims and the funding, monitoring and follow-up mechanism for such arrangements. She asked what protection was offered under the 2005 Witness Protection Act, especially in the case of witnesses under threat. She also wished to hear about strategies to curb international criminal networks involved in trafficking and whether the Internet had been identified as a tool for transnational criminal activity.

46. **Ms. Božič** (Slovenia) said that the procedure for the adoption of special temporary measures under articles 8 and 9 of the Equal Opportunities for Women

and Men Act had proved unwieldy for private entities, and that the law had been amended to simplify the procedure by eliminating the need for prior approval.

47. **Ms. Salecl** (Slovenia) said that the Government was aware of the particular vulnerability of groups such as Roma women. The recommendations of the Committee had provided an impetus for projects to tackle discrimination in the Roma community. Problems had been identified in the areas of education, social stereotyping and reduced employment prospects for women in particular. Housing and political participation were other areas of concern, although she was pleased to report that there was currently one female Roma municipal representative.

48. The Roma Community Act was a comprehensive law, which assigned the tasks of State bodies protecting the rights of Roma and governed the organization of the Roma community at the national and local levels, including the establishment of a Roma Council. A national programme was under way, and the Office for Equal Opportunities for Women and Men had played an important role in ensuring that special measures would be implemented for the benefit of Roma women.

49. **Ms. Jeram** (Slovenia) said that because 70 per cent of Roma women did not complete primary school, the Ministry of Education and Sport had placed special emphasis on educating young Roma women, which had led to an overall improvement in educational standards. The Roma community had also been targeted through workshops, round-table discussions and other programmes to raise awareness on health and nutrition. The dismantling of negative perceptions and traditional stereotypes was also a topic of great relevance since Roma women faced discrimination from both the wider society and within their own patriarchal communities.

50. **Ms. Pučnik Rudl** (Slovenia) said that the adoption of the Domestic Violence Prevention Act represented progress in the enforcement of the Government's policy of zero tolerance towards violence against women. Domestic violence had been defined as a criminal offence under the new Penal Code. Apart from facilitating the preparation of a database that would serve as a reliable foundation for the execution of efficient and targeted activities, the Act provided a systematic and multidisciplinary approach to the protection of victims of domestic violence by building the capacity of the Social Services Centres and enhancing the skills of professionals who

provided support to victims. There was good cooperation and coordination between the Ministry of Labour, Family and Social Affairs, NGOs and other stakeholders.

51. Non-governmental organizations had played an active role in the elaboration of the Act and in the design of a national programme on domestic violence, which was expected to be adopted in February 2009. They had also set up several hotlines offering assistance to victims of domestic violence and were engaged in preventive programmes, public information and counselling.

52. There were 12 coordinators working at the regional administrative level in charge of activities led by various types of social centres for the benefit of women, young persons and children in situations of personal crisis. At present, there were 24 shelters with 305 beds, but by 2010 that capacity would be expanded to 350 beds. A total of 1.3 million euros had been earmarked for the operation of crisis shelters in 2008. A breakdown of Government funds allocated for that purpose showed that current expenditure represented a substantial increase over 2001 levels.

53. Awareness-raising was indispensable in the prevention of domestic violence. The Government attached great importance to the empowerment of women and to the dissemination of information, especially to young women in rural areas, and women belonging to various ethnic communities. In broader terms, comprehensive and systematic attention must be focused on both providing support to victims of domestic violence, and to the rehabilitation of their aggressors.

54. **Ms. Božič** (Slovenia), concerning the amendments to penal legislation regarding trafficking in persons, confirmed that more severe sentences had been introduced. No final sentences for trafficking had been handed down, but in many cases, several offences had occurred simultaneously, which made it difficult to limit the description of the offence to trafficking. The Government had established the Interdepartmental Working Group for the Fight Against Trafficking in Human Beings to monitor court procedures from hearings through indictment to the actual trial.

55. Conscious of the fact that there had been only a few court decisions, the Government, in cooperation with NGOs, had encouraged the courts to act on cases pending. Training of the judiciary, police and social

workers should raise awareness and ensure professionalism among judges, prosecutors and other law enforcement personnel. The Government attached great importance to the role played by NGOs in fighting trafficking and caring for its victims.

56. Judicial cooperation against trafficking included bilateral police cooperation and international liaison with such entities as Europol and INTERPOL. The Government was also in the process of preparing the ratification of the Council of Europe's Convention on Action against Trafficking in Human Beings.

57. According to the Working Group against trafficking, the Internet had been implicated in activities relating to the possession and distribution of pornographic material, and a massive public awareness campaign to protect the public and curb the use of the Internet for the distribution of offensive or sexually explicit content had targeted young persons, teachers and parents.

58. **Ms. Chutikul** asked whether any legal measures had been adopted to protect victims from threats by traffickers, and whether the financial assets of persons responsible for trafficking were confiscated.

59. **Ms. Božič** (Slovenia) said that, under the Witness Protection Act, a wide range of support was offered to victims of trafficking, including accommodation, basic necessities, security, legal advice and health care.

60. **Ms. Pučnik Rudl** (Slovenia) said that the confiscation of traffickers' assets was envisaged under the Penal Code.

Articles 7 to 9

61. **Ms. Tavares da Silva** noted that the political parties in Slovenia had not incorporated the measures recommended by the Committee to secure balanced representation of women and men into their policies. She asked for an explanation of the discrepancy between stated intentions and the poor results. At the local level, for example, the number of female mayors had fallen from 6 to 3. It was clear that Slovenian society was prepared for swifter progress, and she urged the Government to explore the reasons for setbacks in achieving parity, including an analysis of the poor results achieved in the most recent elections.

62. **Ms. Jeram** (Slovenia) acknowledged the need to encourage greater participation of women in all spheres of life, given the fact that the rate of representation of

women in Parliament and Government had ranked below the European and global average for some time. Legislative initiatives, training and pressure exerted by civil society were expected to have an impact on the promotion of women to positions of prominence. The share of female candidates had significantly increased, however, by as much as 10 per cent, and some parties had exceeded the 40 per cent threshold on their lists of candidates, even though no consensus had been achieved during the parliamentary discussion on increased quotas. The Office for Equal Opportunities was firm in its conviction that, not only should work in the field of legislation be strengthened, but consultations with stakeholders should be intensified.

The meeting rose at 1 p.m.