



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

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**Committee on the Elimination of Discrimination
against Women**
Twenty-ninth session

Summary record of the 620th meeting

Held at Headquarters, New York, on Thursday, 10 July 2003, at 10 a.m.

Chairperson: Ms. Açar

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The meeting was called to order at 10.10 a.m.

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

Second and third periodic reports of Slovenia (CEDAW/C/SVN/2, CEDAW/C/SVN/3, CEDAW/PSWG/2003/II/CRP.1/Add.6 and CEDAW/PSWG/2003/II/CRP.2/Add.5)

1. *At the invitation of the Chairperson, Mr. Kirn, Ms. Olup Umek and Ms. Salecl (Slovenia) took places at the Committee table.*

2. **Mr. Kirn** (Slovenia) said that his delegation was pleased to have the opportunity to present multiple reports to the Committee at the same time, and with the Committee's practice of putting questions to delegations in advance and in writing. He apologized because his delegation had not had time to supply written replies to all the Committee's questions; the questions which remained unanswered would be covered in the second part of the delegation's oral presentation.

3. He was also pleased to be able to inform the Committee that the National Assembly would soon be ratifying the Optional Protocol to the Convention, and that the procedure for approving the amendment to article 20, paragraph 1, of the Convention would be initiated without delay.

4. **Ms. Olup Umek** (Slovenia) said that despite national legislation and international human rights conventions, men's and women's roles were still governed by strong social and cultural stereotypes, but that awareness of the need for justice in the form of legal measures against gender discrimination was the only way to fulfil the potential of men and women.

5. Slovenia had used the Convention and the concluding comments and recommendations of the Committee on its previous report to drive gender equality forward. They had been translated, published and disseminated widely, and the Government had made its ministries and offices responsible for integrating the provisions of the Convention and the concluding comments and recommendations of the Committee into their own policies, programmes and measures.

6. Many of the changes in the traditional gender-based division of power, labour and responsibilities

which occurred in Slovenia between 1997 and 2002 had been inspired by the Convention itself, its Optional Protocol, the Committee's concluding comments on Slovenia's previous report and the outcomes of the Fourth World Conference on Women (Beijing Conference) and of the special session of the General Assembly devoted to Gender Equality, Development and Peace for the Twenty-First Century (Beijing +5).

7. The country's second report, dating back to 1999, had been coordinated by the then Women's Policy Office and discussed with NGOs, the erstwhile Equal Opportunities Commission of the National Assembly and the Inter-Ministerial Commission on Human Rights, and finally adopted by the Government itself. The Women's Policy Office had invited civil society organizations to supply contributions in writing on their achievements and difficulties to append to the second report, but very few such organizations had taken advantage of that opportunity. The third report had been prepared by the Office for Equal Opportunities (successor to Women's Policy Office), but in order to honour its commitment to submit the report to the Committee together with the second report, it had had to forego consultation of NGOs. However, it had immediately given them access to the report by posting it on its web site.

8. **Ms. Salecl** (Slovenia) said that the backdrop to efforts to promote gender equality in Slovenia had not changed significantly since the submission of the initial report: the population of under 2 million was ageing, fertility was declining, life expectancy and the average age of marriage were both rising and mothers were having their first children at a progressively later age. More children were continuing their education beyond the compulsory primary level and there were more female than male students in higher education.

9. Public and political offices were still male-dominated; in the 2000 elections, as in the previous elections in 1993, women had won 12 out of the 90 National Assembly seats. As a result of recent government changes, Slovenia had three women ministers. Women were even more underrepresented in local government, with women mayors in only 11 municipalities out of 193. Only the Constitutional Court had an even gender balance. Rural women rarely participated in public life outside associations of agricultural workers and rural women and religious organizations.

10. After ten years in existence, the Commission of the National Assembly for Equal Opportunities Policy had not been re-established after the 2000 elections. That step had been justified by a rationalization of working practices in the National Assembly and the principle of mainstreaming gender issues into the work of all the other individual parliamentary working bodies. Although that idea seemed promising, in practice it tended to hamper the inclusion of a gender perspective in parliamentary debates and decisions. A positive step had come in 2002, with a decision by the National Assembly to use gender-neutral language in legislation, emphasizing that it was equally applicable to all citizens.

11. After taking over from the Women's Policy Office, the Office for Equal Opportunities had been assigned new responsibilities. It was to examine proposed legislation from the point of view of gender equality, monitor implementation of the Act on Equal Opportunities for Women and Men, coordinate gender mainstreaming, employ an official to act as an equal-opportunities advocate and hear allegations of unequal treatment, prepare proposals for the national programme for equal opportunities, approve positive measures and monitor their implementation, coordinate national reports on the fulfilment of international obligations and help to funding NGO projects and activities. Each minister had appointed an official to act as equal-opportunity coordinator.

12. The expansion of the responsibilities of the Office for Equal Opportunities showed that it was being given added autonomy, but that autonomy was not secure: the upcoming administrative reform could entrust administrative responsibility for the Office to the Ministry of Labour, Family and Social Affairs and thus affect the Office's mandate and ability to influence policy- and decision-making.

13. The Act on Equal Opportunities for Women and Men had provided a legal basis for temporary special measures. Article 4 of the Convention had played a crucial role in integrating the non-discrimination provisions of the constitution with the concept of positive action. The Employment Relationships Act and the Parental Care and Family Income Act had also changed national policies which discriminated against women.

14. Discussion of violence against women and trafficking in women and children for sexual

exploitation had built momentum for new legislation to combat those phenomena, and teachers now received instruction on violence against women from other teachers and through outside advisers and conferences. A special commission to prevent violence in schools had been set up under the auspices of the Ministry of Education, Science and Sport.

15. New provisions to fight trafficking were under discussion: they would introduce the definition of trafficking used in the Protocol to Prevent, Suppress and Punish Trafficking in Persons. Unfortunately, Slovenia had not yet adopted an action plan to combat trafficking; however, it recognized that the criminal law should be complemented by broader efforts of prevention and assistance and redress for victims.

16. Changes to the Act on Breaches of Public Order and Peace had eliminated the definition of prostitution as a misdemeanour, and prostitutes no longer faced a prison sentence of up to two months. An interministerial working group was working on a proposal for the regulation of voluntary prostitution.

17. The national curriculum council was engaged in a process of reform which included curriculum changes and equal educational opportunities for both sexes. Most primary school teachers were women, but few were school principals or assistant principals. The gap was wider in secondary schools. School attendance was encouraged by siting primary schools as close as possible to pupils and providing dormitory facilities for secondary-school pupils at schools far from their places of residence.

18. The new Employment Relationships Act, in force since 1 January 2003, had introduced equal-treatment provisions in contracts and termination of contracts, training and retraining, pay, bonuses, absence from work, working conditions and hours. Men and women must receive equal pay for equal work or work of equal value. Employers bore the burden of proof in gender-discrimination disputes, were liable for damages under civil law, and were bound by gender-equality principles in advertising vacancies and recruiting prospective staff. The new Parental Care and Family Income Act had helped to reconcile parenthood with paid employment. The demand for paternity leave (introduced by the Act) suggested that fathers were eager to play a more active role in childcare.

19. In Slovenia as elsewhere, women lived longer than men but suffered greater morbidity and used the

health-care system more. General policy regarding health care for women had not improved, but reproductive health facilities had progressed, with more cervical cancer screening, greater attendance at prenatal classes, greater use of the contraceptive pill and less use of intrauterine contraceptive devices. A change in habits had also resulted in a decline in the number of legal abortions. Women still had too little influence over health-care legislation which affected them. Facilities and rules for assisted reproduction and parental genetic diagnostics were only just emerging, and assisted reproduction was still confined to married women.

20. **The Chairperson** said that the Committee welcomed the news that Slovenia was soon to ratify the Optional Protocol, and it looked forward to its ratification of the amendment to article 20, paragraph 1, of the Convention as well.

Articles 1 to 6

21. **Ms. Schöpp-Schilling** said that she was impressed by the efforts Slovenia had made during the past decade of political and economic transition, in particular by the adoption of the Equal Opportunity Act and the provision of special temporary measures, but was concerned that such measures seemed to have little real impact. She would like to know how special temporary measures affected the private sector, whether compliance was voluntary, and what role trade unions played. The legal basis for equal opportunity within political parties should be clarified. Following the dissolution of the parliamentary body working on gender, she would like to know what mechanism would monitor gender issues.

22. **Ms. Morvai** said that she hoped the Office for Equal Opportunities was not in danger of being abolished, because the new Equal Opportunity Act had entrusted it with several important mandates that could not be enforced in the absence of national machinery. She asked for more information about coordination between the Office and the Ministries, and whether there were any indicators of the effects of its work.

23. She would also like to know if the definition of discrimination in Slovenian law was in line with the definition in the Convention and if the Convention had been invoked in any discrimination cases brought before the courts.

24. **Ms. Tavares da Silva** said that she was pleased to note the progress made between the second and the third periodic reports, but progress created expectations. She echoed the concerns expressed regarding the disbanding of the parliamentary working group, and said she feared that women's issues might have reduced visibility because of their lower rate of representation in Parliament. She wondered whether the Office for Equal Opportunities had the necessary resources and political power to implement its global policy on gender mainstreaming. Not all areas of the Government seemed aware of the importance of gender equality, and she was concerned that it would be seen as a sectoral rather than a cross-cutting issue.

25. **Ms. Khan** said that she would like to have more details on the action plan designed to implement the Equal Opportunity Act. She would also like to hear the reasoning behind the proposed amendment to the Constitution.

26. **Ms. Gaspard** said that, in comparing the two reports, it appeared that after a period of progress, women had actually lost some ground. The Equal Opportunity Office had a very important mandate, and it was unfortunate that it was being marginalized. The most recent statistics on women in the media dated from 1995; she requested updated information in that area.

27. **Ms. Simonovic** said that de facto equality, especially for women in political life, appeared to be the main problem. During its consideration of the initial report of Slovenia, the Committee had recommended the establishment of an Ombudsman's office, but the plans to act on that recommendation had changed. She would like to hear the main reasons for that change and the differences between the Advocate and an ombudsman. It would also be helpful to know what remedies the Advocate could provide.

28. **Ms. Kwaku** requested an explanation why non-governmental organizations had not been involved in the preparation of the third report. That report also had little to say about the human rights ombudsman, and she wondered, therefore, if that office still existed. She would also like information on any cases in domestic courts where CEDAW had been cited and what was their outcome. She asked further why no special temporary measures had been taken thus far, and whether the private sector was aware of the action plan in that area. Finally, the apparent breakdown of

marriage was a cause for concern, with one third of all children born out of wedlock, and she asked what was being done to protect those children as well as married couples.

29. **Ms. Patten** said that the adoption of the Optional Protocol would require some restructuring of the institutional machinery for equality, and she asked whether the Equal Opportunity Act would be amended accordingly. The delegation had been candid about the possibility that Government reforms now under way might affect the mandate and impact of the Act, and she would like to hear more about the extent to which its new mechanisms might be affected. Finally, clarification was needed of the role of the Special Advocate, if one had been appointed. She was concerned at the slow pace of implementation of the Act.

30. **Ms. Popescu Sandru** said that she was concerned that the Special Advocate for equal opportunity would not have independence of action; restructuring the institution to make it independent would represent a real breakthrough. She would also like to know whether there were any special measures to protect minority women, for instance Roma and elderly women, from double discrimination.

31. **Mr. Flinterman** said that, from the description in the report, it seemed that the Special Advocate was limited to making recommendations, and he would like to know if there was any legal recourse if those recommendations were not followed. He shared the concern expressed about the high number of children born out of wedlock each year and wondered what mechanisms existed to compel the fathers to take financial responsibility for those children.

32. **Ms. Gnacadja** noted that article 2 (b) of the Convention called on States parties to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women. The delegation had stated that the Government was paying special attention to the problem of violence against women but domestic law, and particularly article 299 of the Penal Code, was unduly vague on the matter. It was particularly disturbing that article 195 (a) of the Criminal Procedure Act permitted the courts to issue a no-contact order in lieu of a prison sentence; thus, the same offence carried two possible penalties and she feared that judges would opt for the lighter one.

33. **Ms. Shin** pointed out the contradiction between, on the one hand, the Government's commitment to implementing the Convention and eliminating gender discrimination and, on the other, its proposed downsizing of the national machinery and the resulting loss of visibility for women's issues. Perhaps the delegation would be able to use the Committee's concluding comments to persuade the Government to take a different approach.

34. She hoped that disaggregated data on violence against women, domestic violence and trafficking would be included in the next report and that a national survey on the issue would be conducted. Slovenia's non-governmental organizations had not been involved in the preparation of its third periodic report (CEDAW/C/SVN/3) and had been invited only to submit written statements for inclusion in the second report (CEDAW/C/SVN/2). The Committee encouraged every State Party to involve those organizations in the preparation and dissemination of its reports, because they were in a position to make women aware of their rights under the Convention and to verify that the information contained in the report accurately reflected women's situation at the grass-roots level. A vibrant civil society, including women's organizations, was a means of achieving gender equality; however, the primary responsibility for implementation of the Convention lay with the Government itself.

35. **Ms. Manalo** said it was her understanding that in order to become a member of the European Union, as Slovenia hoped to do in 2004, a State must be a participatory democracy and ensure respect for human rights; elimination of the parliamentary working body responsible for the advancement of women and gender equality was a step backward and might hinder Slovenia's progress towards that goal. The Government should also realize that European Union member States had access to various mechanisms that could strengthen its efforts to combat trafficking and should make inquiries regarding how they could be applied.

36. **Ms. Olup Umek** (Slovenia) said that her delegation was very aware of the potential impact of the Government's downsizing. The process of transforming legal norms into practice was a slow one and required political support and alliances. The national machinery for achieving gender equality and the related legislation recently enacted had given rise to new responsibilities and competencies. The

Government had supported the establishment of a coordinator for equal opportunities for women and men in each of the 15 ministries; however, machinery at the local level was also needed. One of the nation's largest cities had recently established the post of coordinator for gender equality and it was hoped that other cities would follow that example.

37. The Government had promised the European Union that it would streamline its administration in order to meet the additional needs arising from membership. Unfortunately, the decision to place various government offices under the administration of the relevant ministries had been a logical one since those offices were all headed by directors and were responsible to the Government as a whole, and reported directly to the Secretary-General of the Government.

38. The Government Office for Equal Opportunities had been a policy-making body without representation in the Cabinet. On the basis of information from the European Union regarding the practice of its member States, the Government had decided to make the Office a unit of the Ministry of Labour, Family and Social Affairs. However, the Act on Equal Opportunities for Women and Men gave the Office a mandate which included all areas of government and civil society. If the new proposal was implemented, its policy-making role would be limited to the areas covered by the Ministry of Labour, Family and Social Affairs whereas, in order to remain a primary focal point for policy coordination, it needed to be able to work with all the ministries in promoting gender equality. The Office had three more months in which to discuss the proposal with representatives of civil society, study its impact and suggest an alternative. She did not know what the final decision would be, but she invited the Committee to address the issue in its concluding comments and hoped that the outcome of the ongoing negotiations would be influenced by those comments.

39. The Government had concluded a social contract with trade unions and employers for the period 2003-2006, under which trade unions agreed to monitor the situation of gender equality in their respective areas of employment. The Government notified employers of cases of gender-based and other discrimination; the employers, for their part, had undertaken to follow practices aimed at promoting full equality of opportunity for men and women.

40. It was important for the principle of gender equality to be enshrined in the Constitution. However, although there had been considerable support for the proposed amendment to article 44 thereof, a two-thirds vote of Parliament would be required for its adoption. The Act on Equal Opportunities for Women and Men, which could be adopted by a simple majority, had been seen as an intermediate step towards the eventual adoption of the draft amendment and as a means of promoting women's political participation in anticipation of Slovenia's membership in the European Union and of the 2003 parliamentary elections.

41. Although the Commission of the National Assembly of the Republic of Slovenia for Equal Opportunities Policy had been abolished after the 1996 elections, all parliamentary bodies were required to incorporate a gender perspective in their work. The woman Vice-President of the Parliamentary Committee for Internal Affairs had been asked unofficially to coordinate the practices and working methods of all parliamentary bodies in order to ensure that all proposals brought before Parliament were reviewed from the gender perspective.

42. Proposals were submitted in electronic form and posted on the Government web site a few days prior to their discussion by the committee responsible for deciding whether they would be considered by Parliament. A representative of the Office attended that committee's meetings; however, in some cases the Office did not learn of a proposal until the day on which it was to be reviewed.

43. On several occasions, the Office had been effective in negotiating changes; it focused on the proposals with the greatest potential impact on women and gender equality and for which it had the information necessary to persuade the nation's lawmakers. Its views must be expressed not in the language of experts but in that of politicians, stressing the added value in terms of the Government's priorities. If the chances of success were slight, the Office might choose not to intervene.

44. Despite an increase in staffing, the modest human resources available to the Office for Equal Opportunities were still short of adequate, as had been the case at the time of the first periodic report. On the other hand, the staff of the Office held relatively high civil service rank for such a small government body. The Office's budget had not increased, apart from

adjustments for inflation, but the experience and knowledge of its staff had improved, making it better able to obtain support and information. The prospect of placing the Office within the administrative structure of a Ministry would increase the complexity of certain administrative tasks and would require the amendment of legislation currently in force.

45. Referring to a question on procedures for cooperation with and training of equal opportunities coordinators in the various Ministries, she said that the first training course for coordinators had already been held and the coordinators who had received the training had found it very satisfactory. They had since carried out a survey of all research and analysis which had incorporated a gender perspective and the data produced had been integrated into a central database. The coordinators had also identified gender-sensitive problem areas in their work which would be taken into account in the drafting of the national programme for equal opportunities for women and men.

46. The Government cooperated with non-governmental organizations on key issues, as and when they arose. Non-governmental organizations had been invited to provide input for the preparation of the first and second reports of Slovenia to the Committee. They had described their activities and the obstacles they were facing and made suggestions for enhancing the effectiveness of the Office for Equal Opportunities; unfortunately, very few non-governmental organizations had replied. Women's groups in political parties and trade unions had also been invited to contribute. The lack of cooperation between the Government and non-governmental organizations was partly due to the considerable workload experienced by both sides. However, her delegation would be taking home a very strong message from the Committee. It was clear, for example, that her Government must work more closely with non-governmental organizations and must ensure that gender-related legal provisions were implemented in practice.

47. In preparing the responses to the list of issues, her delegation had requested information from various government departments in relation to the application in the courts of the Convention and other gender-related legal provisions. Her delegation had been informed that no cases of gender discrimination had been brought before the courts. The Ministry of Justice had expressed the opinion that, thanks to the new legal norms that had been adopted, individuals would in

future be better able to make use of the law in securing their right to equal treatment in terms of gender. Efforts were being made to raise public awareness of the existence of those norms and of the Convention, and of the steps individuals could take if their rights were infringed. A special telephone number created at the Office for Equal Opportunities, which people could call anonymously if they were discriminated against, was receiving on average four to five calls per day.

48. With regard to an advocate of equal opportunities for women and men, as anticipated in the Act on Equal Opportunities, she said that consideration had been given initially to creating an Ombudsperson similar to the Human Rights Ombudsman already existing in Slovenia, and taking into account favourable experiences in certain European Union countries. However, the Ombudsman's authority covered the public sector only, whereas it was intended that the advocate of equal opportunities should be able to intervene in the private sector as well, where most gender discrimination was taking place. Budgetary limitations had also influenced the decision not to create an ombudsperson for gender issues. It was true that the independence of the advocate of equal opportunities had been called into question, but the advocate's decisions and procedures would in fact be independent of any government department and would comply with European Union directives for an independent complaints procedure.

49. Request for the appointment of an official to the position of the advocate of equal opportunities for women and men was now under consideration by the Government. In the meantime, many of the procedures which would be applied by the advocate were already in use at the Office for Equal Opportunities. However, the advocate would not have the authority to initiate legal action; that would have to be done by the victim of the alleged discrimination.

50. In response to an earlier question relating to children born out of wedlock, she said that couples living together had the same rights and obligations as married couples. No updated data were available for women in the media because those provided in the second periodic report had been based on a survey which had not yet been repeated. It had been observed, however, that the media were showing some awareness of their duty to play an active role in promoting gender equality, particularly in relation to problems such as violence against and trafficking in women.

51. Turning to the issue of multiple discrimination, she said that although the Roma community was not defined in the Constitution as a national minority as were the Italian and Hungarian minorities, it did in fact enjoy the same constitutional protection. A few months earlier, a project had been initiated to improve understanding and awareness of gender equality among Roma women. So far, a national meeting and five seminars had been held in implementing that project. Her Government would continue its efforts to empower Roma women in Slovenia. In response to a question concerning the lack of severity of the penalties for acts of violence against women, she said that punishment was not seen as the right way to eliminate violence against women; it was important to work with the people concerned, particularly the perpetrators, to try to eliminate such behaviour.

52. Her Government was involved in many regional and international projects for the development of a multidisciplinary, integrated approach to the fight against trafficking in humans and, at the national level, legislation was being drafted which would incorporate such an approach. As a country of transit, Slovenia was working with countries of origin and destination and implementing new measures to prevent trafficking, and amendments to the penal code were being prepared to punish trafficking for purposes of sexual exploitation and trafficking in children. A non-governmental organization in Slovenia had bought a property which would soon become the country's first safe house for victims of trafficking, and several people had received training so that they could provide the necessary help to the victims.

53. The institutions which had provided data for the report had promised that in the near future they would begin providing data disaggregated by gender.

The meeting rose at 1 p.m.