



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

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

**Summary record of the 621st meeting**

Held at Headquarters, New York, on Thursday, 10 July 2003, at 3 p.m.

*Chairperson:* Ms. Açar

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Convention (*continued*)

*Second and third periodic reports of Slovenia (continued)*

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*The meeting was called to order at 3.05 p.m.*

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

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

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

*Articles 7 to 9 of the Convention*

2. **The Chairperson** invited the members of the Committee to raise questions regarding articles 7 to 9 of the Convention.

3. **Ms. Simonovic** enquired what measures, if any, applied if the plan submitted by a political party in accordance with the provisions of the new Act on Equal Opportunities for Women and Men was inadequate. She would also like additional data on the number of women in political parties and in the governing bodies of political parties.

4. **Ms. Morvai** said that article 7 was traditionally read as promoting a woman's participation in public life, including the right to vote. It should be interpreted, however, with a view to incorporating gender equality into the mainstream political discourse. The Slovenian national women's machinery did not seem to be an integral part of the Government, even though the Government was responsible for implementing such international instruments as the Convention. She questioned the rationale for positioning the Office for Equal Opportunities under the Ministry of Labour, Family and Social Affairs: shouldn't that Office be a Ministry in its own right? She wondered whether changing the name of the Women's Policy Office to the Office for Equal Opportunities meant that it was dealing with equality issues other than gender ones.

5. In addition, she pointed out that the scope of the Convention was greater than that of European Union law, and that European directives should therefore not override the Government's obligations under the Convention.

6. **Ms. Gaspard** asked whether any measures were being taken to increase the number of women on the National Council.

7. **Ms. Popescu** said she would like to know what steps the Government was taking to encourage the promotion of women to high-level positions, and whether the new Act on Equal Opportunities provided for the use of quotas by political parties to equalize the representation of men and women.

8. **Ms. Belmihoub-Zerdani**, citing paragraph 28 of Slovenia's core document (HRI/CORE/1/Add.35) indicated that, although the Slovenian Constitution stipulated that human rights would be realized directly on the basis of that instrument, domestic legislation was required in order to implement those rights. That being so, she wondered what was the position of the Convention in the legal hierarchy, and in particular whether it superseded the Constitution.

9. She understood that if political parties failed to abide by the terms of the Act on Equal Opportunities, fines were levied against them. She enquired how great those fines were and whether parties received government subsidies to carry out the requirements of the Act.

10. In addition, she would like to know whether the Human Rights Ombudsman was a permanent presence throughout the national territory, available to all citizens requiring assistance in the protection of their rights.

11. **Ms. Saiga** asked whether any political parties had submitted a plan in accordance with the Act on Equal Opportunities, and in particular whether the two parties using quotas systems had submitted such plans. She also wondered why the constitutional amendment providing that equal participation could be mandated by law had not yet been discussed by the National Assembly.

12. **Ms. Tavares da Silva** said that the high proportion of women judges in Slovenia was a noteworthy achievement. It was surprising, therefore, that women were so poorly represented in political life. She wondered what measures the Government intended to take if the constitutional amendment did not pass. That was an area where awareness raising and training might be useful.

13. She would also like to know the rationale for incorporating the Office for Equal Opportunities into

the Ministry of Labour, Family and Social Affairs. The Women's Policy Office had previously answered directly to the Prime Minister; in her view, that was clearly a step backward. Explanations would be welcome.

14. **Ms. Neubauer** said that under the new Act on Equal Opportunities it was the obligation of political parties to submit a plan every four years providing detailed information on how they intended to achieve gender parity on electoral lists. No party had yet submitted a plan. Women's caucuses within the political parties had naturally been asked to formulate those plans; several parties had begun the process. Quotas were one means of achieving gender parity; other means might also be viable. It was more important not merely to place women on electoral lists, but to change the internal culture of political parties. She did not know what steps would be taken if political parties failed to comply; that had not yet occurred.

15. Admittedly, the Office for Equal Opportunities did not seem to be an integral part of the Government. Governmental gender equality structures had emerged from the activities of non-governmental organizations and social movements, and had the role of translating their ideas and proposals into Government policy. As they were accountable both to non-governmental organizations and women's groups and also to the Government, their position was difficult and stressful to fill. In 1992, when the Women's Policy Office had been established, it had formed part of the Prime Minister's cabinet. The 1994 Act on Government had repositioned it within the Office of the Secretary-General. It was unclear why that had been done. There had been, perhaps, too many offices directly responsible to the Prime Minister.

16. Renaming the Women's Policy Office as the Office for Equal Opportunities had not, however, changed its role. Its mandate was the attainment of equality for men and women, and it dealt solely with gender issues.

17. There had been much debate in Slovenia regarding the weak representation by women on the National Council; those discussions had taken place in women's groups and civil society groups, but not in the Council itself. Efforts to place women in public office had begun as recently as 1992, when the Women's Policy Office had assumed responsibility for gender equality policy.

18. Efforts to encourage the appointment of women to senior-level positions had begun with the establishment of the Office for Equal Opportunities in 1992. The Office lobbied for quotas, provided training and helped to motivate and empower women to run for public office and meet new challenges in the utterly male-centred world of politics. Although Slovenians associated quotas with the former socialist system, they were coming to recognize that, if all else failed, they might be necessary to ensure equal representation in political life. Thus far, only two political parties had quotas, and they were very loosely enforced, since candidate lists could be changed in the final stages of the approval process. The provisions of the Convention had been fully incorporated into the Slovenian legal system. International human rights instruments took precedence over legislative acts but not over the Constitution. As there had never been a conflict between constitutional norms and the provisions of a human rights instrument, it would be difficult to say what might happen in that event.

19. Political parties were financed from the State budget based on the number of seats obtained in parliamentary elections. They were not rewarded with additional funding for introducing measures to ensure equal numbers of male and female members; however, such incentives might be introduced in the future. Currently, three pieces of draft legislation concerning elections were before the Slovenian Parliament.

20. Both the Human Rights Ombudsman and the Advocate for Equal Opportunities for Women and Men acted as mediators. Steps had been taken to facilitate the filing of petitions with the Human Rights Ombudsman in future.

21. The proposal to amend article 44 of the Constitution to promote positive action in the election process had the support of all but one political party. It had been submitted to Parliament as a result of very strong lobbying by the relatively few number of female Members of Parliament. The National Assembly now had 20 proposed amendments before it and was proceeding with extreme caution in contemplating changes to the country's very young Constitution. Thus far, only amendments required to apply for admission to the European Union had been adopted. The amendment to promote equal opportunities between women and men in elections, one of the very few to enjoy the support of the professional sector, would be considered in September. There was no guarantee,

however, that the support voiced for it thus far would translate into the necessary votes. Although the proposed amendment was general in nature, specific positive action to be taken would be defined in the implementing legislation.

*Articles 10 to 14*

22. **Ms. Khan** enquired about the barriers to moving large numbers of Slovenian women who were already senior administrative officers in the public sector into top-level decision-making posts. Clearly, those women had the required background and the support of both the Act on Equal Opportunities for Women and Men and affirmative action measures. Noting the State party's traditional and stereotyped pattern of employment, with women relegated to low-paid jobs and only certain fields of study, she requested further details on the thrust of the National Programme on the Development of the Labour Market and Employment by 2006. Given the trend towards employing younger workers on a short-term basis, she wondered how the Employment Relationships Act was addressing the problems of significant numbers of women in their fifties who were having difficulty finding jobs. The State party had been unable to provide an answer to that question in its replies to the list of issues (CEDAW/PSWG/2003/2/CRP.2/Add.5, para. 18). She would also appreciate information, including statistics, on female part-time workers in the next periodic report.

23. **Ms. Schöpp-Schilling** expressed concern about elderly women in the rural area. While women 60 years of age and older might have some social security income from their employment under the previous Government, the future seemed bleak for unemployed women in their forties or fifties who would soon retire without having paid insufficient contributions to benefit from the social security system. To what extent did the State party incorporate the recommendations of the Madrid International Plan of Action on Ageing, 2002, in its national machinery, policies and programmes for women?

24. **Ms. Morvai** commended the State party on the high proportion of girls in secondary schools and higher education (CEDAW/C/SVN/3, table 9, p. 25), through the doctoral level, but noted that women still chose stereotypical female fields rather than traditionally male-dominated fields, such as engineering. She enquired about the Government's initiative to encourage more women to seek training in

professions that were less traditionally female. The number of unanswered questions on education in the replies to the list of issues made her wonder whether the Slovenian Government was serious about cooperating with the Office for Equal Opportunities.

25. She would appreciate more details on income disparities between men and women and their impact on mothers and other vulnerable groups. Welcoming the adoption of the Employment Relationships Act, she sought information on its enforcement and its concrete impact on women's working conditions. Would it protect women from dismissal following maternity leave? She asked whether women had access to legal aid. She would be grateful if the State party could explain the alarming and ever-increasing number of unemployed women, particularly young women (more than 20 per cent), and describe any measures it had taken to address the situation. As for the failure by the Ministry of Labour, Family and Social Affairs, to provide answers to the questions of the pre-session Working Group, she said that the Ministry should understand its own responsibility to implement the Convention.

26. She wondered whether one of the special fact-finding commissions Slovenia had established was investigating the extremely high maternal mortality rate, owing to haemorrhaging during pregnancy or sepsis after birth, which was shocking in a developed country in Europe in the twenty-first century. The delegation should also indicate any measures taken to deal with Slovenia's very high abortion rate — one abortion for every two live births.

27. **Ms. Kwaku** welcomed the measures outlined in the replies to the list of issues to deal with the very high maternal mortality rate, one of the highest in Europe, and asked how effective they had been.

28. **Ms. Gaspard** said that the third periodic report lacked updated statistics on the number of women university professors and directors of training institutes. According to the second periodic report, very few women held those posts despite the fact that female university students outnumbered their male counterparts.

29. She asked whether adult education courses for rural women were offered over the television. That had proved to be very effective in other countries.

30. **Ms. Patten**, hailing the adoption of the Employment Relationships Act, enquired about government efforts to implement it and other employment legislation. Were government ministries conducting awareness-raising campaigns for women, and for employers? Although the Act had only recently entered into force, it would be interesting to know how many lawsuits had been instituted under it. She also wondered whether the judiciary had sufficient training in gender issues and the articles of the Convention to be able to award damages under the Employment Relationships Act. She would appreciate information on measures to enhance women's access to the justice system, and to legal aid in employment-related cases. She wondered whether the equivalent of a US\$ 435 fine was truly a deterrent to violating the Employment Relationships Act. The delegation should clarify the mechanism for prosecuting employers. Was the process automatically initiated upon receipt of a complaint, or were such cases dealt with in civil proceedings?

31. Lastly, noting the 20.7 per cent pay gap between men and women with university degrees, she enquired about measures taken in addition to the provision on equal pay for work of equal value in the Employment Relationships Act. She would be grateful for a progress report on implementation of the National Programme on the Development of the Labour Market and Employment by 2006. How many women had been given special support to start their own businesses, or special training, under the Programme?

32. **Ms. Neubauer** (Slovenia) said that her Government was developing plans of action to overcome horizontal and vertical segregation in the labour market and in education, which were caused by conventional gender-based patterns of choosing career tracks. The Ministry of Education was working with the Office for Equal Opportunities to encourage girls to enter male-dominated fields of education and boys to study subjects traditionally reserved for girls. Progress had been slow in that regard, but she hoped that their efforts would gradually dispel stereotypes in education.

33. She drew attention to the goals and activities of the National Programme on the Development of Labour Market and Employment outlined in paragraph 20, page 14, of her country's replies to the list of issues (CEDAW/PSWG/2003/II/CRP.2/Add.5) and to data, in paragraph 21, according to which 8.3 per cent of actively employed women and 5.2 per cent of actively

employed men worked part-time. Part-time workers had the same rights as full-time workers.

34. No information was available on wage differentials for various categories of women or on women in higher education, but the delegation of Slovenia hoped to provide more statistical data in its next periodic report.

35. With respect to elderly women, her Government provided assistance to women in need of home care and long-term unemployed women older than 50.

36. Twenty thousand booklets had been distributed to trade unions, human resources departments, employer organizations, employment agencies and media outlets to advance her Government's Employment Relationships Act. The Governmental Office for Equal Opportunities, which had the main responsibility for disseminating information about women's rights, had also been cooperating with other ministries and non-governmental organizations to raise awareness and promote workplace environments free of sexual harassment.

37. The Labour Inspectorate monitored the implementation of the Employment Relationships Act and notified employers of any violation. If an employer failed to comply with the law, the case was referred to the Labour Court.

38. The Small Business Development Centre had established a programme to encourage women to set up their own companies and an information centre called META, which included a vast network of successful women entrepreneurs. Slovenia hoped to provide figures on the budget and effectiveness of the initiative in its next report.

39. **Ms. Logar** (Slovenia) said that widows in rural areas 60 years of age and older enjoyed the same pension as a couple. Rural women between the ages of 40 and 50 were particularly active income earners and participated in the same pension and health system as urban workers. If they were unable to make payments to these plans, a small social security benefit of 170 euros was paid to them at age 65.

40. **Ms. Fazarinc** (Slovenia) said that Slovenia had a long tradition of making confidential inquiries into maternal mortality to prevent future cases. The maternal mortality rate had increased after 1996 with the inclusion of women who died within eight weeks after labour. She cited unpreventable cases that had

inflated the rate such as a pregnant women who had died of sepsis while being moved from Kosovo to Slovenia, three suicides and three traffic accident fatalities. There were two cases of mothers who had died from a burst placenta, a condition that was difficult to prevent but which doctors had been studying to avoid future occurrences. Many women had not taken advantage of the extensive free prenatal care that was available to all women of Slovenia. There was a high number of women with cancer or severe heart disease who wished to give birth despite medical warnings. The Ministry of Health had established a new independent group to study cases of maternal mortality during the past five years.

41. With regard to Slovenia's abortion rate, if the low fertility rate was taken into account the rate was indeed high. The rate was highest for women over 30: 22 per 1,000 births. Slovenia's teenage abortion rate, however, was low, with 1 abortion per 1,000 for girls under 16 and 8 per 1,000 between the ages of 16 and 18.

42. New national guidelines sought to make individual contraceptive counselling available to all women, and community-level workshops had been established for women who had difficulty using reliable contraceptive methods.

#### *Articles 15 and 16*

43. **Mr. Flinterman** welcomed the creation of the Guarantee and Alimony Fund (CEDAW/SVN/3, p. 45) but expressed concern that the creation of such a fund might tempt those required to pay alimony, usually men, to ignore that responsibility; he therefore wondered whether a mechanism existed to ensure the party responsible for paying alimony reimbursed the fund for any payments it made. With regard to single parent families, 90 per cent of which were headed by women, in cases where the child was not recognized by the other parent, usually the father, or his identity was not known, no alimony or support could be ordered. He asked whether the Government had any mechanism to assist such single mothers.

44. **Ms. Gnacadja** requested information on the status of the proposed Marriage and Family Relations Act, including any new provisions. She was concerned at the high divorce rate and wondered whether women were fairly treated when property was divided after divorce. She also had concerns about whether support and alimony payments were actually made and asked

what sanctions could be imposed in case of non-payment. Turning to the area of judicial proceedings, which the State party acknowledged were slow, she wondered whether they were especially slow in cases involving violence against women, and asked which provisions in the Penal Code were used to punish such violence. Finally, noting that a significant number of rural women were co-owners of farms, she wondered whether their rights were protected in cases of divorce, death or dissolution of the enterprise.

45. **Ms. Morvai** recalled the Committee's general recommendation 19 on violence against women, which included domestic violence, and reiterated the Committee's call for extensive quantitative and qualitative research on that issue. She wondered whether there was any comprehensive action plan to deal with that problem, including legislative reform, clear protocols for dealing with incidents, and guidelines for government agencies dealing with domestic violence, including the police, prosecutors, health-care workers and social workers. She also wondered whether mechanisms existed to ensure that guidelines were actually adopted and implemented by the latter. Action was especially urgent, as domestic violence had only recently been recognized in the region as a problem that Governments had a responsibility to address.

46. She enquired whether there were sufficient shelters for women and families. Noting that most of the shelters were run by non-governmental organizations, under State authority, she asked whether they were provided with adequate funding. The Government should take into account the needs of poor or homeless families, who required shelters that were more open and encouraged visits from the fathers, as well as those of battered women, who above all required safety and protection. She was concerned that the maximum stay in a shelter was one year although court proceedings were often long, and wondered what happened to battered women in shelters if their proceeding took longer than one year. Finally, she welcomed and requested information on the current status of efforts to recognize homosexual and lesbian partnerships and also said that the State party's Guarantee and Alimony Fund was exemplary and should be a best practice model.

47. **Ms. Neubauer** (Slovenia) said alimony could be guaranteed only in cases where it had been ordered by a court or by agreement with a social centre; in cases

involving a single mother where the father was not known, alimony could not be provided. She shared regrets at the lack of information about violence against women. Although there were no protocols or guidelines for those involved in dealing with family violence, the Expert Council on Violence against Women was undertaking a survey to assess current practices and make recommendations for the future in the context of a national programme to combat violence against women.

48. Women's shelters were adequately funded by the Ministry of Labour, Family and Social Affairs. The crisis centres and Social Care Centres dealt with women's issues and there were maternal homes for pregnant women or women with small children who were in a difficult social or economic situation. Safe houses had also been created to ensure a secure environment for women and children who were victims of violence. The various shelters also directed their residents towards suitable organizations that could provide assistance, support and advocacy and complemented the activities of the shelters themselves.

49. The Ministry of Labour, Family and Social Affairs was drafting new regulations with regard to same sex partners which would allow them to register their relationship and be entitled to the same rights as mixed sex common law relationships. Those measures had been negotiated in cooperation with civil society advocacy groups; the new measures had achieved a relatively high degree of consensus within the Government coalition and it was hoped that they would soon be passed.

50. Turning to the area of divorce, she said that the legal norm in divorce proceedings was for the spouses to share equally property acquired during their marriage. The Guarantee and Alimony Fund assumed responsibility for alimony payments in cases where they were not being made. In most cases, the parent in question simply did not have the financial resources to pay the alimony; however, in cases where it could be proved that the parent in question had sufficient income, action could be taken to recover any sums paid out by the Fund. In 2001, 7.8 per cent of its alimony payments had been recovered.

51. **The Chairperson** welcomed the State party's political will to tackle the issue of discrimination against women. Progress had for example been made in the legislative sphere, the use of non-sexist language in

legislation, integration of a gender perspective in all areas and the passing of the Act on Equal Opportunities for Women and Men, although the latter was limited in scope. The State party had been candid in recognizing the discrepancy between the de jure and de facto equality of women and many problems had been identified and innovative solutions developed. Every effort must be made to ensure that women assumed their rightful place in the public and private sectors and at decision-making levels, including in the political sphere, in particular at the local level. The fact that women generally had a higher educational level than men but were underrepresented proved that discrimination persisted; temporary and special measures should be implemented to redress the situation.

52. She expressed concern that the Office for Equal Opportunities would simply be a branch of an existing ministry. Every effort must be made to ensure that the Office played a vigorous advocacy role in the context of national machinery to eliminate discrimination against women. The Committee would welcome information on the situation of women from ethnic and religious minorities, who were often the victims of multiple discrimination, in particular the Roma, as well as on the situation of elderly women in the labour market and with regard to social security rights. Concrete policies should also be developed to address the issue of gender segregation in the labour market. Although there seemed to be a legal framework to address the problem of violence against women, it was strange that no data were available with regard to such crimes, including domestic violence. In the absence of such information, it was difficult to raise awareness of the problem; comprehensive information should be submitted in the next report.

53. She welcomed the frank and informative dialogue between the State party and the Committee and, noting the role played by non-governmental organizations in the preparation of the report, stressed the importance of continued systematic cooperation with such organizations for the preparation of the next report. Although she welcomed the State party's efforts to harmonize its laws and institutions with relevant European Union instruments, she stressed that the latter were not exhaustive and that the Convention was the definitive international instrument in the area of women's rights. The State party should speedily ratify the Optional Protocol to the Convention, which it had

signed in 1999, and also ratify the amendment to article 20, paragraph 1.

54. The Committee's concluding comments would be communicated to the State party and should be widely disseminated and implemented. The situation of women was often precarious in societies in transition, but she looked forward to further progress in the next report, and assured the State party of the Committee's continued support for its efforts to implement the provisions of the Convention.

*The meeting rose at 5.35 p.m.*