



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

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## Committee on the Elimination of Discrimination against Women

### Information received from Slovenia on follow-up to the concluding observations on its seventh periodic report\*

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. The United Nations Committee on the Elimination of Discrimination against Women considered, at its eighty-fourth session held on 16 February 2023 in Geneva, the seventh periodic report of Slovenia on the implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. Following the consideration of the seventh periodic report, the Government of the Republic of Slovenia received concluding observations and recommendations aimed at accelerating the implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter: the Convention) in the areas identified by the Committee as the ones requiring more effective measures and activities for the elimination of all forms of discrimination against women. Four recommendations were assessed by the Committee as requiring priority attention and immediate action and therefore Slovenia must provide written information on their implementation within two years.

## **II. Follow-up information on the concluding observations (CEDAW/C/SVN/CO/7)**

### **A. Follow-up information relating to paragraph 12 (a)**

2. Slovenia is working to strengthen the knowledge and application of relevant documents in the field of gender equality and non-discrimination, including knowledge of the Convention, the Optional Protocol thereto and the Committee's general recommendations, through various education and training activities. The Judicial Training Centre (hereinafter: the JTC) plays an important role in this respect, providing initial and continuous training for the work of judicial authorities. In 2023, the JTC in cooperation with the Academy of European Law (ERA) organised a two-day seminar on discrimination. The seminar *EU Gender Equality Law* targeted members of the judiciary (judges, prosecutors and other judicial staff in EU Member States) and covered the EU legal framework and key concepts such as direct and indirect discrimination, harassment and sexual harassment, burden of proof, equal pay, work-life balance, positive discrimination and quotas, violence against women and the preliminary ruling procedure.

3. The JTC also organises training on other issues arising from the Convention's general recommendations, in particular on domestic violence. In May 2024, the *2024 Family Law School* was organised for judges, judicial advisers, (senior) state attorneys, candidates for state attorneys and lawyers. It included lectures on domestic violence and violence against women. The school also encompassed a lecture entitled *Violence and Court Proceedings*, addressing the European Parliament Resolution on the Impact of Domestic Violence and the Right to Protection and Education for Women and Children, including an interpretation by the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform).

4. The Bar Academy of the Bar Association of Slovenia, which provides continuous training for all members of the Bar Association of Slovenia, covers the topics of the Convention in its training courses on labour and family law (including domestic violence and violence against women), in particular at the traditional Attorney's School held every spring in Portorož. In 2025, it plans to provide specific training on the Convention, the Optional Protocol thereto and the Committee's general recommendations.

## B. Follow-up information relating to paragraph 26 (f)

5. The Statistical Office of the Republic of Slovenia (hereinafter: the Statistical Office) as the main operator and coordinator of activities in connection with national statistics in Slovenia has been very active in the field of violence against women over the last five years. In 2021, it carried out its first *Survey on Personal Security in the Private Environment*, collecting data on the prevalence of violence in Slovenia. The objective of the survey was to determine the share of the population experiencing different types of violence (threats, physical violence, and sexual violence), the perpetrator of violence (partner or non-partner), the basic characteristics of violence, the share of victims reporting violence, etc. It is a population-based survey of women and men aged between 18 and 74 years, allowing data to be analysed in relation to the personal characteristics of victims and their relationship with the perpetrator. Data was published in February 2022. The survey was carried out based on an internationally harmonised methodology under the auspices of Eurostat (EU-GBV – Gender Based Violence); hence, the data from all participating countries was also published by Eurostat. Discussions at the EU level to conduct the survey again in 2027 are ongoing, and Slovenia is an active member of Eurostat's working group tasked with the preparation of the methodology for the next survey.

6. The Statistical Office publishes data on perpetrators (persons reported, indicted and convicted) annually. It collects the data from the administrative databases of the Supreme Court of the Republic of Slovenia and the Supreme State Prosecutor's Office of the Republic of Slovenia. In the future, the Statistical Office would like to add to the data on the perpetrators of these criminal offences the data on the injured parties of these criminal offences and their relationship with the perpetrator. The Supreme State Prosecutor's Office has already prepared data on victims of criminal offences in a way that allows linking such data to the perpetrators, and the Statistical Office has already started to analyse the data received.

7. In accordance with the recommendation, Article 3 of the Domestic Violence Prevention Act defines violence as any form of physical, sexual, psychological or economic violence inflicted by one family member against another, or neglect or stalking of the victim regardless of age, gender or any other personal circumstance of the victim or the perpetrator of the violence, and corporal punishment of children. Statistical data is not segregated by forms of violence, but is only aggregate.

8. The definition of the criminal offence of domestic violence in Article 191 of the Criminal Code (KZ-1) provides the legal elements of such offence (family or other permanent domestic community of the perpetrator and the victim, even if it broke up), as well as the acts of commission, which are defined in more detail in the Domestic Violence Prevention Act (ZPND), and the prohibited consequence, which is manifested in this offence as the subordinate position of the victim. Hence, the police deal with this offence even if it involves only one of the forms of violence defined in the Domestic Violence Prevention Act (if the criteria of legal elements and the prohibited consequence of the offence are met).

9. The police keep statistics in accordance with the Police Tasks and Powers Act that stipulates that the police also keep a record of criminal offences. This record contains the following personal data: full name, date and place of birth, personal identification number, gender, address of residence, identification code of the person in the police records, nationality, and information on the criminal offence. For criminal offences of domestic violence, the police keep aggregate data on all forms of violence and not segregate data. The police can obtain information on the relationship between the victim and the perpetrator from the record.

### C. Follow-up information relating to paragraph 34

10. Slovenia is aware of the importance of an appropriate environment for cooperation with women's organisations and women human rights defenders to advocate for women's human rights, and therefore pays special attention to this. The Ministry of Labour, Family, Social Affairs and Equal Opportunities has an Expert Council for Gender Equality (hereinafter: the Expert Council) which is an expert and consultative body of the Minister on matters related to equality between women and men and the implementation of the principle of non-discrimination on the grounds of gender. It is composed of experts working in this field in academic institutions and non-governmental organisations. The Expert Council considers strategic and legislative proposals from a gender equality perspective, and discusses and adopts conclusions on topical issues in various fields. It also considered the concluding observations adopted after the consideration of the seventh periodic report of Slovenia under the Convention. The members of the Expert Council took note of the recommendations and expressed their views and opinions on the implementation of these recommendations. As has been the practice so far, the Council of Experts will also be involved in the preparation of the next periodic report.

11. The members of the Expert Council actively participated in the drafting of the Resolution on the national programme for equal opportunities for women and men for the period 2023–2030 and the first Periodic plan for 2024 and 2025 for the implementation of the Resolution on the national programme for equal opportunities for women and men 2023–2030. Furthermore, the Ministry of Labour, Family, Social Affairs and Equal Opportunities publishes every year a call for proposals for the co-financing of projects of NGOs in the field of gender equality, thus strengthening the cooperation with NGOs working in this field.

12. The Ministry of Justice also regularly cooperates with various NGOs and human rights defenders, particularly on issues relating to the rights of vulnerable persons and victims of criminal offences, for example domestic violence. The Ministry, in cooperation with NGOs, organises a national conference on prevention of and response to violence against women every year on 25 November, the International Day for the Elimination of Violence against Women. The conference is attended by a large number of experts who work with victims of violence against women and domestic violence on a daily basis, and speakers include civil society representatives and other experts whose professional or research interests are violence against women and domestic violence. The Ministry also regularly involves NGOs and other experts in the drafting of regulations and the search for solutions.

13. The police also collaborate with NGOs on a regular basis. They invite representatives of NGOs to lecture at their training courses. The police always respond to invitations from NGOs when they organise events.

14. In Slovenia, activities aimed at preventing and combating trafficking in human beings are carried out on the basis of two-year action plans adopted by the Government. Well-established and financially evaluated activities are carried out on an ongoing basis, enabling continuous cooperation of governmental and non-governmental organisations in the prevention of human trafficking, identification of victims, investigation and prosecution of criminal offences of human trafficking, and in the provision of assistance to victims of trafficking.

15. The Inter-Ministerial Working Group on Combating Trafficking in Human Beings (hereinafter: the Inter-ministerial Working Group) is responsible for drafting national action plans, the monitoring of their implementation and the drafting of annual reports for the Government. The Inter-ministerial Working Group is composed of 24 members, of which 15 are women and nine men. Its members cooperate with

national institutions and international organisations in policy and strategy formulation. The Government continuously involves NGOs in the drafting of legislation and strategic documents on combating trafficking in human beings. This partnership approach facilitates an effective implementation of measures and adjustment of policies to the actual needs on the ground.

#### **D. Follow-up information relating to paragraph 52**

16. In Slovenia, the conditions for the existence and validity of a marriage, and the procedure for giving notice of a marriage and concluding a marriage are regulated by the Family Code (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 15/17, 21/18 – ZNOrg, 22/19, 67/19 – ZMatR-C, 200/20 – ZOOMTVI, 94/22 – Dec. of the CC, 94/22 – Dec. of the CC and 5/23; hereinafter: the DZ). Article 22 of the said Act stipulates that in order for a marriage to exist, the persons must state their consent to concluding the marriage and the persons must state their consent before the competent state body. Articles 23–28 of the DZ lay down the following conditions for the validity of a marriage: free expression of will (Article 23), age of majority and exemption from impediment to marriage due to the person being underage (Article 24), soundness of mind (Article 25), the absence of a previous marriage (Article 26), existence of family relationship and exemptions (Article 27) and the absence of guardianship (Article 28).

17. The conclusion of a marriage is a procedure that consists of two parts, namely:

- (a) The procedure of giving notice of a marriage, in which the competent administrative unit verifies, in an administrative procedure, if the conditions for the existence and validity of the marriage are fulfilled; and
- (b) The actual conclusion of a marriage (ceremony).

18. In accordance with the provisions of the General Administrative Procedure Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 24/06 – official consolidated version, 105/06 – ZUS-1, 126/07, 65/08, 8/10, 82/13, 175/20 – ZIUOPDVE and 3/22 – Zdeb; hereinafter: the ZUP), the administrative unit must determine, in the procedure of giving notice of a marriage, the true facts of the case and, to that end, all facts relevant for a lawful and correct decision must be established. If, in the procedure of giving notice of a marriage, it is established that all the conditions for the existence and validity of the marriage are not fulfilled, the administrative unit must, in accordance with the provision of Article 32 of the DZ, refuse the application for the conclusion of the marriage by a decision.

19. If, in the procedure of giving notice of a marriage, it is established that either (or both) of the future spouses is a minor, the procedure to authorise the marriage is initiated before the competent court. Article 24 of the DZ stipulates that a child (i.e. a person who has not yet reached the age of 18 years) may not conclude a marriage. By way of exemption, a child who has reached the age of 15 years and has appropriate physical and mental maturity enabling them to understand the meaning and consequences of the rights and obligations arising from marriage may conclude a marriage; however, the court decides whether to allow a child who has already reached the age of 15 years to conclude a marriage (underage exemption).

20. The court decides on the exemption from impediment to marriage due to the person being underage in a non-contentious procedure governed by the Non-Contentious Civil Procedure Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 16/19; hereinafter: the ZNP-1). In accordance with the provisions of the ZNP-1, the court must adopt *ex officio* any measures aimed at protecting the rights and legal interests of children and persons who, owing to mental

developmental disorders or other mental health problems or other circumstances, lack capacity to look after their own rights and interests (paragraph two of Article 6). The procedure authorising the conclusion of a marriage (or the procedure for the exemption from impediment to marriage due to the person being underage) is regulated in more detail in Articles 77–79. The procedure is initiated upon the petition of a child that has reached the age of 15 years and wishes to marry. Before the court allows a child to conclude a marriage, it hears the child, the person with whom the child intends to conclude the marriage, and the child's parents or guardian. Before the court takes a decision, it may request an opinion from the social work centre.

21. Pursuant to the above-mentioned provisions of the DZ and the ZNP-1, a child under the age of 15 years cannot conclude a marriage. With respect to children who have already reached the age of 15 years, the court has exclusive jurisdiction to decide on any potential exemption from impediment to marriage due to the person being underage. The essential characteristic of non-contentious procedure is that it is to a great extent based on the principles of officiality and investigation, enabling the court to protect *ex officio* the best interests of the child to the maximum extent possible, without being bound by the submissions of the parties to the procedure, as it may also establish facts which the parties to the procedure have not stated. Appropriate safeguards are thus built into the procedure to protect the rights and best interests of the child. Only if the court, after the procedure has been completed, authorises the conclusion of a marriage of a minor who has already reached the age of 15 years, and if all the other conditions for the existence and validity of the marriage are fulfilled, the administrative unit may conclude the marriage. If the court does not authorise the conclusion of a marriage of a minor, the administrative unit issues a decision refusing the conclusion of the marriage.

22. According to the data of social work centres, they issued four opinions on the exemption from impediment to marriage due to the person being underage in the period of the applicability of the Family Code, i.e. from 15 April 2019 to the end of February 2024. Three opinions were positive and one was negative. In three cases the child was female and in one case male. The court followed the opinion of the social work centre in three cases, but there is no information about one case.

23. In our view, the legal arrangements in force are appropriate, since in certain, really exceptional situations, and with appropriate "safeguards", it is reasonable to retain the exemption from impediment to marriage due to the person being underage.