SLOVENIA

Article 14 of the Constitution guarantees the principle of equality before the law. Women and men are entitled to the same human rights and freedoms. The area of equal opportunities in Slovenia is now being undertaken by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. Before March 2012, it was the responsibility of the Office for Equal Opportunities. While women and men enjoy the same legal status and rights under family law, labor law, property law, and inheritance law, they experienced discrimination in some areas.

1. Discriminatory family code

According to article 18 of the “Law on Marriage and Family Relations”, the minimum legal age of marriage in Slovenia is 18 for both women and men.

Concerning early marriage, a person may marry below the age of 18 with the approval of parents or legal guardians as well as Centres for social service. However, in 2012 there were very few cases. There were also some instances of early marriage in the Romani community in 2012, although it was not a widespread problem.

With respect to parental authority, article 53 of the Constitution states that both spouses have equal rights in the family and article 14 of the “Law on Marriage and Family Relations” stipulates that spouses are equal in marriage.

As for children’s education, article 54 specifies that both parents have the right and duty to maintain, educate and raise their children. Also, article 4 of the “Law on Marriage and Family Relations” specifies that parents shall have the right and obligation to ensure the successful physical and mental development of their children. In addition, article 4(3) states that those parental rights belong to both the father and the mother.

---

1 Republic of Slovenia Constitutional Court (n.d.), Constitution
2 http://www.mdds.gov.si/en/
3 Office of Equal Opportunities (n.d.)
4 US Department of State (2013),
5 Law on Marriage and Family Relations (n.d)
6 US Department of State (2013)
7 Law on Marriage and Family Relations (n.d)
8 Republic of Slovenia Constitutional Court (n.d.), Constitution
9 Law on Marriage and Family Relations (n.d)
In terms of inheritance rights, article 11 of the Inheritance Act gives both spouses equal rights to inherit property, as well as to sons and daughters.\(^{10}\)

More

Article 65 of the “Law on Marriage and Family Relations” guarantees the right to both spouses to initiate divorce.

2. RESTRICTED PHYSICAL INTEGRITY

Chapter Nineteen of the Slovenian Penal Code (KZ-1) defines Criminal offences against sexual integrity and distinguishes between: rape (Article 170); sexual violence (Article 171); sexual abuse of defenceless Persons (Article 172); sexual assault on a person below fifteen years of age (Article 173); violation of sexual integrity by abuse of position (Article 174); exploitation through prostitution (Article 175); Presentation, manufacture, possession and distribution of pornographic Material (Article 176).\(^{11},^{12}\)

Sexual violence and sexual assault are criminalized by the Penal Code (articles 181-184) and punished by six months to five years imprisonment, depending on the gravity of the act.\(^{13}\) This includes sexual harassment in the workplace, as article 174 of the new Penal Code\(^{14}\) defines the violation of sexual integrity by abuse of position as a criminal offence and punishable by a prison sentence of five years maximum.\(^{15}\)

Since 2008, domestic violence can be prosecuted under article 191 of the new Penal Code,\(^{16}\) entitled “family violence”.\(^{17}\) The article states that “whoever within a family treats badly another person, beats them, or in any other way treats them painfully or degradingly, threatens with direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights shall be sentenced to imprisonment for not more than five years.”\(^{18}\)

---

\(^{10}\) Zakon o dedovanju (n.d.)


\(^{13}\) Penal Code of the Republic of Slovenia (n.d.)


\(^{15}\) CEDAW (2007), p. 27


\(^{17}\) Slovene Penal Code from (KZ-1) 2008 (Official Gazette of the Republic of Slovenia, N. 55/2008), Uradni list RS, Št. 55/2008

The “Resolution on the 2009-2014 National Programme on Prevention of Family Violence” stipulates the objectives and measures for the prevention and reduction of family violence in Slovenia for the period from 2009 to 2014.\(^\text{19}\)

This Act comprehensively regulates the issue of domestic violence and introduces a number of changes such as: mandatory prosecution; the right to free legal aid; prevention of the secondary victimisation (the victim should have the right to be questioned only once, through the use of recorded testifying; the right not to be confronted with the perpetrator and the right to be questioned in the presence of an appropriate expert). In addition, the Act adopted two new civil measures for the safety of victims: a restraining order and the eviction of the perpetrator from the family home (the victim can propose that the court enacts a decision on the transfer of accommodations in common use. Upon the victim's proposal, the court can issue a decision to charge the perpetrator of violence who lives in the same household as the victim to transfer the accommodation to exclusive use by the victim). The Act also established the obligation of all organisations to cooperate with social services in multidisciplinary teams with the basic tasks of drafting a concrete help plan for the victims, and provides a comprehensive definition of domestic violence and in addition to physical and sexual violence, includes also psychological, economic violence and neglect. According to the Act Ministries of social affairs, interior, health and education are obliged to adopt protocols for dealing with victims.\(^\text{20, 21}\)

In addition, the government introduced a restraining order and an occupation order, formulated domestic violence as a special criminal offence, prescribed heavy penalties for perpetrators and a special law on preventing domestic violence was enacted in 2008.\(^\text{22}\)

In 2003, Slovenia also changed the Police Act and introduced the restraining order, which may be issued to a perpetrator of violence by the police. The police are also obliged to immediately inform social services of the issuing of the restraining order. Social services then need to contact the victim and offer counselling and assistance.\(^\text{23}\)

The 2003 Housing Act also introduced an important practice in allowing the municipalities, state and public housing to fund, or the non-profitable housing organisation to rent a unit as a provisional solution to the housing needs of socially unprivileged persons. Such a dwelling is based on the list of persons eligible for such allocation. This category includes also victims of domestic violence.\(^\text{24}\)

In the first half of 2012, the police processed 1,278 criminal cases against a spouse or partner. The NGO SOS Help-Line estimated that 25 percent of women have been victims of domestic violence at some point during their lives, but spousal abuse is generally unreported. Support hotlines are provided by SOS Help-Line as well as Kljuc, another NGO.\(^\text{25}\) Results from a recent survey by the European Union Agency

for Fundamental Rights indicated that the prevalence of physical partner violence in Slovenia was of 13%.26

According to national criminal statistics on domestic violence, there were 3,983 offenses of domestic violence in 2008, where the victim was female. National criminal justice statistics indicate that in 2011 there were 427 complaints of domestic violence brought to court, and in 2011, 71 complaints of domestic violence were dismissed or rejected and 200 male perpetrators and 7 female perpetrators were convicted in domestic violence cases.27

In Slovenia there are 1.14 places for victims of domestic violence in shelter per 10,000 inhabitants.28

The “Association SOS Help-Line for Women and children victims of violence” was created in to support women and children who have experienced or are still experiencing violence in their families and relationships.29

According to Drustvo SOS (a non-governmental organisation assisting victims of violence), the government funded three crisis centers for victims of domestic violence. The government also worked with NGOs on domestic violence cases, providing shelters and social work centres, and in 2012 partially funded 29 shelters, safe houses and maternity homes with 410 beds. Shelters, safe houses, and crisis centers specifically provided 271 beds for women and children in 19 locations, and maternity homes provided 139 beds in 10 locations. When police received reports of spousal abuse or violence, they generally intervened and prosecuted offenders. The police academy offered annual training on domestic violence.30

Rape is punishable by law: article 170 of the Penal Code states that “whoever compels a person of the same or opposite sex to submit to sexual intercourse with him by force or threat of imminent attack on life or limb shall be sentenced to imprisonment for not less than one and not more than ten years”31. In case of extreme cruelty in the act or if the act is committed by two perpetrators successively, the minimum sentence is three years. As for marital rape, the same article states that for such an offence, prosecution can be initiated upon a complaint. This means that in reality, it is very difficult to prosecute marital rape if the victim does not cooperate. A report by the European Women’s Lobby states that many rape cases are qualified as sexual violence, because of the lower sentence. Also, victims often complain about the court proceedings as they are asked questions about their sexual history, possible abortions and other intimate questions.32

According to the same report, data on rape is published semi-annually by the police. The latest police report states that they investigated 33 cases of rape in 2011 and 32 cases in 2012. In addition, they also investigated 25 cases of sexual violence in 2011 and 23 cases in 2012. The European Women’s Lobby’s

---

27 WAVE (2012), p. 236-241
28 European Women’s Lobby (2013)
29 Association SOS Help-line
30 US Department of State (2013)
32 European Women’s Lobby (2013), p.66-67
opinion on this is that there is a lack of public debate on the issue and women tend to report other forms of violence more often.\textsuperscript{33}

According to SOS Help-Line, one in seven women was raped during her lifetime in Slovenia. Victims rarely report spousal rape to the authorities: SOS Help-Line estimated that only 5\% of rape victims sought assistance or counselling.\textsuperscript{34}

Slovenian employment legislation prohibits \textit{sexual and other forms of harassment} through its Employment Relationship Act 2013.\textsuperscript{35} Article 7 of the Employment Relationship Act defines sexual harassment as “any form of undesired verbal, non-verbal or physical action or behaviour of a sexual nature with the effect or intent of adversely affecting the dignity of a person, especially where this involves the creation of an intimidating, hateful, degrading, shaming or insulting environment. Harassment is any undesired behaviour associated with any personal circumstance with the effect or intent of adversely affecting the dignity of a person or of creating an intimidating, hateful, degrading, shaming or insulting environment”.\textsuperscript{36}

Article 47 states that “employer shall be obliged to provide a working environment such that none of the workers is subjected to sexual or other harassment or mobbing on the part of the employer, a superior or co-workers. To this end the employer must take appropriate steps to protect workers from sexual and other harassment or from mobbing in the workplace”.\textsuperscript{37}

Art 217 defines a fine of between EUR 3,000 and EUR 20,000 which will be imposed on an employer – a legal person, a sole proprietor or a self-employed person if he fails to provide protection against sexual or other harassment or mobbing in accordance with the first paragraph of Article 47 of the Employment Relationship Act. Under Article 218, a fine of between EUR 1,500 and EUR 4,000 shall be imposed on an employer if he fails to inform workers on the adopted measures for the protection of workers against sexual or other harassment or mobbing in the workplace in accordance with the second paragraph of Article 47 of Employment Relationship Act.\textsuperscript{38}

Other statutory provisions and other legislation which implicitly regulates Sexual Harassment and Harassment based on Sex includes Constitution of the Republic of Slovenia (1991), the Act on Equal Opportunities for Women and Men (2002), the Act on the Implementation of the \textit{Principles of Equal Treatment} (2004) and the Penal Code of the Republic of Slovenia (1994).\textsuperscript{39}

Despite this, sexual harassment remained a widespread problem in 2012. During the first half of the year, five criminal investigations of sexual harassment were reported, but no convictions.\textsuperscript{40}

\textsuperscript{33} European Women’s Lobby (2013), p.66-67
\textsuperscript{34} US Department of State (2013),
\textsuperscript{35} Ministry of Labour, Family, Social Affairs and Equal Opportunities (n.d.)
\textsuperscript{36} Ministry of Labour, Family, Social Affairs and Equal Opportunities (n.d.)
\textsuperscript{37} Ministry of Labour, Family, Social Affairs and Equal Opportunities (n.d.)
\textsuperscript{38} Ministry of Labour, Family, Social Affairs and Equal Opportunities (n.d.)
\textsuperscript{40} US Department of State (2013),
According to a 2012 report by “Women Against Violence Europe”, 6.5% of women have experienced sexual violence in their lifetime and 1.5% of women have experienced it in the last 12 months; 49% of women have experienced psychological violence in the last 12 months.\(^{41}\)

Under Criminal Law, articles 133-134 of the Penal Code could be applied to cases of female genital mutilation, which refer to the crimes of inflicting bodily harm to another person, including the “destruction or permanent serious impairment of an organ or part of the body”.\(^{42}\) In addition, the 2008 Family Violence Prevention Act can be applied to FGM since the definition of family violence includes “any physical, sexual and psychological violence of one family member against the other”.\(^{43}\)

More

The right to reproductive choice is also recognised constitutionally in article 55 of the Slovenian Constitution on “Freedom of Choice in Childbearing”.\(^{44}\)

Abortion is legal and available on request in Slovenia since 1977, until the tenth week of pregnancy. Exceptions can be made in the case that the fetus or the woman are exposed to psychological or physical harm.\(^{45}\) This right is regulated in a provision in the Slovenian Law of 20 April 1977 on medical measures to implement the right to a free decision regarding the birth of children. If the pregnant woman is a minor, parental authorization is required.\(^{46}\) After the first ten weeks, abortion is permitted “if the procedure entails a risk to the woman’s life, health or future motherhood that is less than the risk to the woman or the child associated with continuation of the pregnancy or childbirth” (Article 18).\(^{47}\)

Abortion is free under the country’s health care system. As of 2012, access to abortion has been limited by a cap in public insurance coverage at 80% of the costs of intervention.\(^{48}\)

If the pregnant woman is a minor, parental authorisation is not needed. Under Article 22, a medical institution providing abortions generally notify parents or guardians when a minor requests an abortion, except if the pregnant minor has gained complete legal capacity before the legal age of maturity.\(^{49}\)

According to Slovenian Penal Code trafficking is not only prostitution but also other forms of exploitation. Slovenia is among countries which trafficking in human beings prosecuted within a separate article of the Criminal Code: trafficking in human beings is specifically defined in article 113 of the Penal Code and punishes perpetrators with a prison sentence between one and ten years.

In addition, article 175 of the Penal Code states that “whoever participates for exploitative purposes in the prostitution of another or instructs, obtains or encourages another to engage in prostitution with force, threats or deception shall be given a prison sentence of between three months and five years.”

\(^{41}\) WAVE (2012), p. 236-241
\(^{42}\) Penal Code of the Republic of Slovenia (n.d.)
\(^{43}\) Ministry of Labour, Family, Social Affairs and Equal Opportunities
\(^{44}\) Republic of Slovenia Constitutional Court (n.d.), Constitution
\(^{45}\) Women on Waves (n.d.),
\(^{48}\) European Women’s Lobby (2013)
such an offence is committed against a minor, more than one person or as part of a criminal association, the prison sentence is between one and ten years.\textsuperscript{50, 51} Finally, the dispute on pornography can be considered as a form of trafficking; it is prosecuted within Article 176 of the Slovenian Criminal Code entitled “Presentation, Manufacture, Possession and Distribution of Pornographic Material”,\textsuperscript{52, 53} which is “similar to that on prostitution, as it considered violence against women and children by some and sex work by others”.\textsuperscript{54}

3. Son bias

For 2013-2014, the male/female sex ratio for the total population in Slovenia was 0.95 while the sex ratio at birth was 1.07.\textsuperscript{55} No evidence was found to suggest that missing women is a concern in Slovenia. In 2012, the mortality rate for both male and female children under five was 3 (per 1,000).\textsuperscript{56}

Gross enrolment ratios at both the primary and secondary levels are approximately equal. According to a 2014 report by UNICEF, gross primary school enrolment ratios (females as a % of males) were 100% at the primary level and 99% at the secondary level.\textsuperscript{57} In 2010 and 2011, there were more boys out of primary school than girls.\textsuperscript{58} For the years 2008-2012, there is barely any difference between the literacy rates of male and female youth aged 15 to 24.\textsuperscript{59}

4. Restricted resources and assets

There is no law discriminating against women’s access to, ownership and control of land. According to the FAO, in 2010 there were 26.2\% of women-headed agricultural holdings.\textsuperscript{60}

Both women and men have equal ownership rights to non-land assets.\textsuperscript{61}\textsuperscript{62} In terms of who legally administers property during marriage, both spouses must agree (article 52 of the Marriage and Family Relations Act).\textsuperscript{63}

There is no law discriminating against women’s access to financial services.

\textsuperscript{55} CIA (2013)
\textsuperscript{56} UNICEF. Statistics Slovenia
\textsuperscript{57} UNICEF (2014), p.73
\textsuperscript{58} World Bank Development Indicators Database
\textsuperscript{59} UNICEF. Statistics Slovenia
\textsuperscript{60} FAO (n.d.), Female landholders
\textsuperscript{61} Republic of Slovenia Constitutional Court (n.d.), Constitution, article 33
\textsuperscript{62} Law on Marriage and Family Relations (n.d.), article 51
\textsuperscript{63} Marriage and Family Relations Act (n.d.)
In Slovenia in 2011, 96.06% of men and 98.11% of women aged 15 years or older hold bank accounts at a formal financial institution.\textsuperscript{64}

\textit{More}

Slovenia is among the 17 countries that joined the European Network of Mentors for Women Entrepreneurs, inaugurated in 2011. The network aims to promote, support and encourage female entrepreneurship in Europe.\textsuperscript{65}

\textbf{5. Restricted Civil Liberties}

Regarding \textit{access to public space}, article 32 of the Constitution guarantees freedom of movement equally to women and men. Women have the same rights as men to choose their place of residence or travel outside of the country.\textsuperscript{66} Article 39 of the Constitution guarantees freedom of expression.\textsuperscript{67}

In 2012, there were 31 women in the 90-seat National Assembly and three women in the 40-seat National Council. There were also two members of minority groups in the National Assembly and one each in the National Council and the cabinet.\textsuperscript{68} At the last election to the National Assembly, 32.2% of women MPs were elected.\textsuperscript{69}

In the 2013, when the last government was formed there were 2 female ministers (among 14 ministerial posts) in the cabinet and the first female prime minister took a position.\textsuperscript{70} In terms of the legislation for parity in the parliament, there are legal \textit{quotas} for the final list but no placement rules. There are 14\% female leaders in major political parties in Slovenia.\textsuperscript{71}

The representation of women in the Slovene parliament has increased to 38\% in 2012 thanks to legislation for parity (a 2006 amendment to the general election law). The new legislation required that neither gender be represented by less than 40\% on lists of candidates (with alternation by sex for the first half of the list).\textsuperscript{72,73} According to the Quota Project, there are quotas at national and sub-national level. Since 1992, the United List of Social Democrats and the Liberal Democracy Party have voluntary quotas.\textsuperscript{74} In an effort to eliminate gender stereotypes, the National Programme for Equal Opportunities for Women and Men 2005 – 2013 has an objective on “Education for gender equality” in schools at primary and secondary level. Also, different categories of government personnel are being educated on

\textsuperscript{64} World Bank (2011)
\textsuperscript{65} European Commission (n.d.),
\textsuperscript{66} Republic of Slovenia Constitutional Court (n.d.), Constitution
\textsuperscript{67} Republic of Slovenia Constitutional Court (n.d.), Constitution
\textsuperscript{68} US Department of State (2013)
\textsuperscript{69} Statistical Office (2012)
\textsuperscript{70} Pieš, Tanja S. et al.(2013)
\textsuperscript{71} European Women’s Lobby (2013)
\textsuperscript{72} Pieš, Tanja S. et al.(2013)
\textsuperscript{73} Law on National Assembly Elections, \url{http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO185 [accessed 11/06/2014]}
\textsuperscript{74} The Quota Project,
gender equality (for example judicial staff, but also the police, health professional and social work centres). 75

More

Concerning workplace rights, Article 6 of the 2013 Employment Relationship Act (Zakon o delovnih razmerjih) guarantees the principle of non-discrimination in employment procedures. Employers are required to provide women and men with equal treatment. In particular, article 27 specifies that a published vacancy should be gender neutral, except if a specific gender is required to do the job. In terms of payment, article 133 requires employers to provide equal pay to their employees, regardless of gender. The Employment Relationship Act also has specific provisions for the protection of women in the workplace in terms of the type of work (e.g. underground work in the mines), the employee’s flexibility to allow for the reconciliation of family and professional obligations if a woman is pregnant and during parenthood, and night time work. 76

In 2012, while the average length of unemployment was the same for men and women, women frequently held lower-paying jobs. Despite article 133 on equal pay between the sexes, women earned 64 percent of what men did in 2012. In comparable positions, however, women earned 95 percent of what men did. 77 In addition women represent only 15% of board members in the largest private companies. 78

The 2007 CEDAW report reports that a traditional division of roles between the sexes still exists in Slovenia. Women perform the majority of the household chores and spend more time than men looking after their children. 79

In 2012, there were 5.7% female own-account workers and 11.4% male own-account workers in Slovenia. However, women represented a larger share of contributing family workers: 5.1%, as opposed to 3.1% male contributing family workers. 80

As of 14 April 2014, Slovenia introduced some important changes 81 regarding workplace rights, maternity, paternity and parental leave with the new parental protection and family benefits act (ZDSP-1, see articles 15 to 49). 82 The main amendments are as follows: maternity still lasts 105 days; in addition, each parent has the right to parental leave, which lasts 130 days. The mother can transfer he 100 days of parental leave to the father (30 cannot be transferred), while the father can transfer all 130 days of his parental leave to the mother. 83

75 CEDAW (2007), p. 19; Comissão para a igualdade no trabalho e no emprego, Código do Trabalho, article 29, approved by Law No.
76 Uradni List (n.d.), Zakon o delovnih razmerjih
77 US Department of State (2013),
78 European Women’s Lobby (2013),
79 CEDAW (2007) p. 21
80 World Bank Development Indicators Database
81 Ministry of Labor, Family, Social Affairs and Equal Opportunities (n.d.)
83 Government of the Republic of Slovenia (2013)
The amended act keeps the existing 15 days of paternity leave (which is taken when the baby is born and the mother is on maternity leave) and introduces another 15 days of (paid) paternity leave after the end of parental leave (after 1 year). This means that the total length of leave granted for the birth of the child is extended from 12 to 12.5 months. The Act foresees a delay in the implementation of the novelties - in the three years after GDP rises by 2.5 per cent at the least, the paid paternity leave will extend by five days a year, while the unpaid paternity leave will shortened by 25 days a year.\textsuperscript{84}

In Slovenia, the government introduced a certification scheme in 2007 to encourage companies to apply family-friendly principles. The Family Friendly Company certificate is awarded to employers that adopt at least three measures from a catalogue of work-family reconciliation measures; these include flexible working hours, child-care services, job sharing, adoption leave, part-time work and assistance to care for a disabled family member. Such measures reduce staff turnover and sick leave and increase employee productivity, motivation, satisfaction and commitment. They also initiate a shift in organisational culture and leadership perceptions.\textsuperscript{85}

Women can confer their citizenship to their children.\textsuperscript{86}

\textsuperscript{84} Government of the Republic of Slovenia (2013)
\textsuperscript{85} European Union (n.d.)
\textsuperscript{86} Citizenship Act of the Republic of Slovenia (n.d.), articles 4 and 5
Sources


Parental Protection and Family Benefits Act (n.d.),


Resolution on the 2009-2014 National Programme on Prevention of Family Violence,


The World Bank (2011), Financial Inclusion Data (Slovenia),


Women on Waves (n.d.), Abortion Law in Slovenia,

World Bank Development Indicators Database,

Zakon o dedovanju (n.d.), http://www.slonep.net/predpisi/zakonodaja/zakon-o-dedovanju#.


Leskošek Vesna, Urek Mojca and Zaviršek Darja (2010): Poročilo o naionalni raziskavi o nasilju v zasebni sferi in v partnerskih odnosih (Report on the national survey on violence against women in the private sphere and intimate partner relationships).

