

Report on Slovenia
7th Round of the Universal Periodic Review – February 2010

This report is submitted by the Sexual Rights Initiative (a coalition including Mulabi – Latin American Space for Sexualities and Rights; Action Canada for Population and Development; Creating Resources for Empowerment and Action-India, the Polish Federation for Women and Family Planning, and others). It was written by a Slovenian activist – Olga Hudzikova.¹ It focuses on: **the overall situation of women; individual freedoms; reproductive rights; minority women's rights; sexual and domestic violence against women; lesbian, gay and homosexual rights; human trafficking and mental health services for women.**

General status of women in Slovenia

1. In Slovenia, the law provides for equal rights for women, and there is no official discrimination against women in family law, property law, or the judicial system. The Office of Equal Opportunities protects the legal rights of women. *"On average, Slovenian women receive 90 percent of the pay of their male counterparts, which compares favorably with rates in Western European countries. At the same time, women remain underrepresented in political life. Currently, there are 11 women serving in the 90-seat National Assembly, three women in the 40-seat National Council, and one woman in the 17-member cabinet. In 2005, Parliament adopted a measure requiring that 40 percent of the electoral lists for the European parliamentary elections be reserved for women."*²

2. The Slovenian government believes that better protection of women's economic and social rights constitute a major tool to eliminate inequalities between women and men in regard to paid employment, division of household responsibilities and care work. Moreover, efforts are also needed to address a specific situation of domestic workers, including migrant women domestic workers, who may even be excluded from legal definitions of work and deprived of a variety of legal protections.

3. Some 60 percent of Slovenia's women are in the workforce, the largest proportion of any of the 10 countries that joined the EU in 2004. High and full time employment of women has been supported by parental leave arrangements, including individual right of fathers to paternity leave, 100% wage compensation for maternity, parental and paternity leave, provision of accessible and affordable care services, facilities, comprehensive and coordinated actions addressing the role of men and employers in achieving between balance between work and family and private life. While the average length of unemployment was the same for men and women, women frequently held lower paying jobs. In Slovenia, there are great differences between urban and countryside areas. In urban cities, women exercise most of her rights, although salaries are still an issue for Slovenian women, as they are not yet equal to those of their male counterparts.³ In the countryside and villages, women still live mostly according to the stereotypes that restrict them to their roles as mothers and wives.

4. Stereotyped social roles ascribed to women and men constraint their choices and opportunities. They limit the scope for men and boys to become equally involved in household and care-giving work, while in regard to women, they restrict their capacity and political will for full and equal participation in decision-making in all areas and at all levels. Progress towards the goal of equality between women and men will be hampered if institutions and systems are not effectively transformed so that they are no longer grounded on historically determined male paradigms of power and life patterns. Identifying good and promising steps is an important element of strengthening work on sharing responsibilities between women and men, eliminating of violence against women, and ensuring gender balanced participation in decision-making, including in processes where policy responses to the current financial and economic crisis are being taken.

5. While the socialist vision was a shortcut to equality that did not change the division of labour in the family, equal opportunity policies in the Western democracies do nothing to change it either⁴. Some researchers note that women's aversion to politics under both systems is "predicated on 'not having time' or 'having to work' [and] reveals that the core of the question is how to change partner relationships, family conditions, and daily life, and not how to build huge social facilities to 'solve' the problem of housework."⁵ As the Slovenian 1993 Preliminary Report to CEDAW confirms in its commentary on Article 5, Slovenian women still perform the majority of household tasks. This sexual division of labour, combined with the very high full-time employment rate of women, means that

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² The governmental equality report May- 2006

³ Personal concept of the writer, out of her field work.

⁴ Maria Vilascous research on women status in Slovenia "Freelance social researcher" – June 2009

⁵ Jalusic, Vlasta, "Troubles with Democracy: Women and Slovene Independence," Independent Slovenia: Origins, Movements, Prospects, ed. Benderly, Jill and Kraft, Evan (New York: St. Martin's Press, 1994) 135 - 153

women commonly work a double shift - one at work followed by another at home. The report adds that "work at home within the family has lost its economic value and price and is not even regarded as 'proper work.'" Despite this double burden, comparative research done by a team of Slovenian and US sociologists indicates that Slovenian women tend to be very liberal in their gender role attitudes and very career-oriented. The authors found that women were less traditional in their career aspirations than men⁶. One source mentioned that during informal interviews, Slovenian women expressed a preference for employment even when presented with hypothetical situations in which they would not have to work.

6. General recommendations to enhance women status in the country:

- 1- Promoting women rights in the field of salary and financial equity with their male counterparts by issuing one strict code or notifications to the business existing in the country on a scale of financial remunerations for women.
- 2- Specially in the countryside, promote the idea that women can and do play multiple roles in the community, that their traditional roles can be changed and stereotypes be altered – this could be done through cooperation among the State, media and relevant NGO.

Individual Freedoms in Slovenia⁷

7. Using marihuana and opting for euthanasia are still criminalized behaviours. Slovenian policymakers have not yet legalized prostitution. Therefore, they prevent individuals from being free to choose that occupation if they so desire.⁸ So, although prostitution has officially been classified as a profession in Slovenia since 1997, it is nonetheless currently punishable by up to two months' imprisonment. There were many proposals to legalize it, follows the example of similar laws in Germany and the Netherlands still under discussion since 2005. Accordingly, Prostitution is illegal, but the government did not actively enforce this prohibition. Antitraficking authorities and NGOs informally estimated that as many as 80 bars and clubs across the country could be engaged in facilitating or promoting prostitution. Sexual harassment remained a widespread problem. The amended penal code, effective November 1, expanded the prohibition on sexual harassment to cover the entire workforce and not just the civil service. During the year, 31 criminal acts were reported.

Reproductive rights

8. *"In Slovenia the women's right to have control over and decide freely and responsibly on the number and spacing of their children is guaranteed by the constitution⁹."* Policies put in place for ensuring free choices in matters of sexuality, reproduction and life styles are being implemented with due regard for women's and men's individual needs, interests, priorities and aspirations.

9. Article 55 of the Slovenian Constitution concerns freedom of choice in childbearing. It states that *"Persons shall be free to decide whether to bear children. The State shall ensure that persons have every opportunity to exercise this freedom and shall create such conditions as enable parents to freely choose whether or not to bear children"*. With the arrival of the ruling Social Democrats to power in 2006, this right is now safely protected for all women, and there are many facilities providing abortion services, even in the second semester of pregnancy. Abortion has by now almost become a basic medical practice. The Fundamental Christian Party and Slovenian Church are always calling for abortion to be banned, but as the Democratic Party has still 5 more years of office and this policy enjoys citizens' support, the opposition voices are falling into a vacuum.

10. Recommendations to improve the safeguard of women's right to freedom of choice in reproductive matters:

- As currently late-term abortions occur and they might constitute a serious health risk for women, the State must issue a complementary act allowing for the public health sector to intervene as needed to protect the life and health of any woman who has undergone a late-term abortion, without any criminal sanctions being imposed on her.
- The media meanwhile should conduct a campaign to focus on the problems imposed on women and fetus in later term abortion to raise the awareness about the issue.

⁶ Preliminary Report from the Republic of Slovenia on Measures taken for the Elimination of all Forms of Discrimination against Women, published in The Republic of Slovenia, 1993

⁷ Capitalism and freedom blog online portal – www.capitalism-forum.com.sn, personal ideas of Slovenian researchers (Academia forum) established online in 2007

⁸ 2008 Human Rights Report – US Department of State.

⁹ Governmental equality report- May 2006

- Improve abortion services facilities to ensure that they meet the best health provision standard and to guarantee that women will no longer be placed on waiting lists as –in some cases- a long wait could complicate the procedure, endangering her life and health.

Minority Women's Rights

11. Social intolerance toward the small Romany (Gypsy) population, especially women, also remains at very high levels. In October 2006, about 30 Roma were removed from their residences in the village of Ambrus after authorities began to fear that demonstrations against them could turn violent. Slovenia's human rights ombudsman, Matjaz Hanzek, claimed that the decision to relocate the Roma meant the end of the rule of law and suggested that the government had given in to an angry mob. Police harassment of Roma women and residents from other former Yugoslav republics, the so-called new minorities, remains a problem. A 2004 referendum overwhelmingly rejected restoring a variety of rights to individuals who had been "erased" from official registries after independence. The results increased both domestic and international concern about the civil rights of non-Slovenes living in the country. In the recent years, there were some complaints about Romani women being forcibly sterilized after delivery procedures at hospitals. Governmental officers denied those accusations. Cases of domestic violence against Romani women are in most cases not taken seriously or properly investigated by the authorities. There has been insufficient State research and action on early marriage practices in the Romani community, a fact that presumably compounds Romani women's vulnerability to trafficking for the sex trade.

12. Recommendations:

- Ensuring Romani women's involvement in the development process through joint work between Romani women NGOs and the State social system.
- Enhancing the social welfare system for Romani families, with a particular focus on women and girls.
- Establish auditing mechanisms to ensure that Romani women's complaints of domestic violence are properly investigated and create the necessary institutions – ideally managed by Romani women themselves- to provide shelter and support to victims.
- Conduct serious investigations on complaints of forced sterilization and early marriage in Romani communities, with full involvement of Romani women in the planning and conducting of those investigations as well as in the follow-up to them.
- Ensure proper registration of Romani women's NGO and their equal participation on relevant State-civil society interactions, as well as maintaining their opportunities to take advantage of State funding, training and other forms of general support to civil society organizations.

Sexual and domestic violence against women

13. Domestic violence remains a concern. Although no accurate statistics were available, violence against women, including spousal abuse, occurs and is generally underreported. Violence against women is the focus of activity for many Slovenian NGOs. The number of women reporting domestic and sexual violence has increased in the last few years as SOS lines and shelters have become more publicized.

14. As elsewhere, it is very difficult to ascertain the extent and severity of violence against women in the family because women often hesitate to report assaults to the police for fear of social censure or retribution. This difficulty is compounded by the legal system itself¹⁰ since incidents of violence in the home, either between spouses or other family members are most frequently classified as violations of the statute concerning Disturbing the Peace. Violations of this kind usually incur very minor penalties. Domestic violence, although not specifically prohibited by the law, is prosecuted under statutes criminalizing assault, which provide for penalties of up to 10 years' imprisonment in the case of aggravated and grievous bodily harm. The government worked with NGOs to implement the law with regard to handling domestic violence cases, including providing shelters and social work centers.

15. However, women's groups have been wary of trying to increase the penalties for domestic violence, as there is no counseling for perpetrators and, if they are incarcerated without some form of counseling or other mental health treatment, the groups fear that their violent behavior will only increase once they are released. In Slovenia, frequently both victim and perpetrator in a domestic violence case are fined if the police is called, making statistical accuracy even more difficult, and also

¹⁰ Slovenia 1999, criminal offence (article 299)- complementary of the criminal violence law.

dissuading victims from calling the police. A source in Slovenia who works with battered women says that in her experience, the police do not intervene in situations of domestic violence unless the SOS line calls them to do so. In other words, if the victim herself notifies the police, it is unlikely they will intervene, but if the SOS line calls, the police will go to the home. The governmental Centers on Social Work in each region, which are specifically set up to deal with social problems, do not include domestic violence against adult women among their responsibilities. The police academy does offer training on domestic violence.

16. The Office for Equal Opportunity began funding a multiyear research project to gather domestic violence data. The NGOs SOS Phone and Kljuc provided support hot lines, and SOS Phone reported receiving 5,287 calls during 2002. SOS Phone estimated that 25 percent of women had experienced domestic violence. The government partially funded 19 shelters, safe houses, and maternity homes (12 run by NGOs and seven by government organizations) that offered 305 total beds. Although the government's report on funding did not distinguish between types of facilities, SOS Phone reported that only 11 of the 19 shelters are specifically for battered women and children and the total number of beds in these shelters is 182. The other eight facilities--maternity homes or social work centers--were for more general assistance, with staff that were not all trained to work with victims of violence, and did not always accept victims.

17. Rape, including spousal rape, is illegal. In 2007, Amnesty International and SOS Phone, estimated that one in seven women was raped during her lifetime, but that only 5 percent sought assistance or counseling. Spousal rape, in particular, was rarely reported to authorities. Police actively investigates reports of rape and prosecute offenders.¹¹ The penalty for rape is of 1 to 10 years in prison. During the year 2007 there were 62 criminal acts of rape, 60 criminal acts of sexual violence, 19 criminal acts of sexual abuse of the weak what does this definition entails? , and 178 criminal acts of sexual attack on a minor under the age of 15 reported to authorities.

18. Sexual harassment remains a widespread problem. The amended penal code, effective November 1, 2008 expanded the prohibition on sexual harassment to cover the entire workforce and not just the civil service. During the year, 31 criminal acts were reported.

19. Recommendations:

- After a wide consultative process including civil society organizations working on the issue, women recovering from domestic violence and academics, develop and promulgate a specific law on domestic violence that includes both penalties and treatment options for perpetrators, clearly establishes police obligations in cases of domestic violence and provides for the creation, staffing and overseen of services.
- Conduct a wide-reaching awareness campaign on domestic violence targeting both women and men, through a joint effort between the State, media and NGOs.

Lesbian, Gay and Homosexual Rights in Slovenia

In Slovenia, the community has reached a stage where the individual's decision to have a same-sex partner and/or to form a family with her/him is accepted. A new penal code that decriminalized homosexual sex was passed in 1976 and came into force in 1977. All discriminatory provisions were removed. Homosexuals are not prevented from serving in the army.¹²

20. The law permits homosexual civil unions. In 2006 gay activists filed a complaint with the Constitutional Court because the law did not afford the same social, family, and inheritance rights as those granted to heterosexual married couples. The court had not yet issued a ruling on the matter.

21. Earlier this year (2009), the Eighth Annual Gay Pride Parade in Ljubljana took place with the support of local government officials, although there were reports that bystanders shouted homophobic slurs at participants, and antigay graffiti and stickers were seen in various locations around the city. Organizers reported satisfactory police presence during the parade. However, two individuals were assaulted by other citizens in the parade site and three other assaults occurred during evening events. Police did not apprehend the perpetrators. As the perpetrators were not identified, it is not clear if the assaults were of a homophobic nature or not.

Human Trafficking as major problem in Slovenia

22. Slovenia is situated in the Balkan Route, a well-known route used by organized criminal groups to traffic people. Thus it is primarily a transit country, and secondarily a country of

¹¹ Simona Zavrtnik Zimic, Urša Kavčič, Mojca Pajnik, and Petra Lesjak-Tušek, *Where in the Puzzle: Trafficking from, to, and through Slovenia* (Ljubljana: International Organization for Migration, 2003)

¹² Morinaga, Y., Frieze, I., and A. Ferligoj, "Career Plans and Gender-Role Attitudes of College Students in the United States, Japan and Slovenia" in *Sex Roles: A Journal of Research*, Vol. 29, No.5-6, 1993, 317

destination¹³, for women and girls trafficked from Eastern Europe for the purpose of prostitution. Women and girls from Southeastern and Central Europe who are trafficked to Canada, Western Europe, and the United States also pass through Slovenia. Most routes lead to Italy as a transit country and from there on to other Western European countries. It is also reported that European women being trafficked through the Balkan states to Asia or Africa pass through Slovenia. Victims are transported over land or by sea to Slovenia but seldom by air. Actual statistics on the number of trafficking victims traveling to and through Slovenia are difficult to obtain; however, it has been described as an “indisputable fact” that trafficking in women into and through Slovenia exists, and that Slovenia is increasingly affected by the phenomenon.¹⁴ According to a Slovenian nongovernmental organization (NGO), 1,500 to 2,500 trafficked women pass through Slovenia every year, usually from Eastern Europe and the Balkans en route to Western Europe. The same NGO estimates that 1,500 to 2,000 women and girls are trafficked to Slovenia annually, mostly from Ukraine and Moldova.¹⁵

23. To a much lesser degree, it is also a country of origin for trafficking in women and children. Slovenian nationals have been trafficked to Austria, the United Kingdom, and other parts of Western Europe, as well as to Mexico and the United States. The number of Slovenian women trafficked abroad is believed to be quite low. According to data from local NGOs, around 100 Slovenian women and girls have been trafficked abroad, mostly to Western European countries such as Germany, Italy, the Netherlands, and Spain.¹⁶

24. Although there is no concrete information on trafficking in children to Slovenia, such trafficking is believed to exist. Slovenian trafficking victims who were trafficked as minors have been assisted by a local NGO in Slovenia.¹⁷

25. The Penal Code criminalizes trafficking in human beings for the purpose of prostitution or any other form of sexual exploitation, forced labor, enslavement, or service. It also criminalizes trafficking in organs, human tissue, or blood. Punishment of imprisonment for 1 to 10 years applies to any person who “purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or uses them in any other way, or acts as a broker in such operations” for any of the above-stated purposes. If an offense of trafficking is committed against “a minor or with force, threats, deception, kidnapping, or exploitation of a subordinate or dependent position, or in order to force a victim to become pregnant or be artificially inseminated,” punishment is imprisonment for at least 3 years. The code criminalizes enslavement. It imposes punishment of imprisonment for 1 to 10 years on anyone who “brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells, or delivers another person to a third party; brokers any of the above-mentioned acts; or urges a person to sell his or her freedom or the freedom of one he or she looks after”. Transporting a person held in slavery or similar conditions from one country to another is an offense punishable by imprisonment for 6 months to 5 years. If a victim of any of the above-stated offenses is a minor, punishment is imprisonment for up to 3 years.

26. In 2005, the National Assembly passed a witness-protection law designed to improve prosecution of forced-prostitution and trafficking cases.

27. Recommendations on Human Trafficking:

- To implement active mechanisms to control the boarders and airports to detect any HT cases, with full involvement and overseen by human rights state offices and relevant civil society organizations, to ensure that no human rights violation occurs in the course of fighting human trafficking.
- To conduct an awareness campaign through a joint effort by the State, media and relevant NGOs, to inform women about rights in regards to human trafficking and to reduce their vulnerability.
- To ensure that all UN standards and binding resolutions on Human Trafficking are observed and implemented in the country.

Mental health services for women

¹³ Simona Zavratnik Zimic, Urša Kavčič, Mojca Pajnik, and Petra Lesjak-Tušek, *Where in the Puzzle: Trafficking from, to, and through Slovenia* (Ljubljana: International Organization for Migration, 2003), p. 26.

¹⁴ Simona Zavratnik Zimic, Urša Kavčič, Mojca Pajnik, and Petra Lesjak-Tušek, *Where in the Puzzle: Trafficking from, to, and through Slovenia* (Ljubljana: International Organization for Migration, 2003), pp. 23–24.

¹⁵ Simona Zavratnik Zimic, Urša Kavčič, Mojca Pajnik, and Petra Lesjak-Tušek, *Where in the Puzzle: Trafficking from, to, and through Slovenia* (Ljubljana: International Organization for Migration, 2003), p. 28.

¹⁶ Simona Zavratnik Zimic, Urša Kavčič, Mojca Pajnik, and Petra Lesjak-Tušek, *Where in the Puzzle: Trafficking from, to, and through Slovenia* (Ljubljana: International Organization for Migration, 2003), p. 32.

¹⁷ Simona Zavratnik Zimic, Urša Kavčič, Mojca Pajnik, and Petra Lesjak-Tušek, *Where in the Puzzle: Trafficking from, to, and through Slovenia* (Ljubljana: International Organization for Migration, 2003), p. 40.

28. Mental health services for women in public institutions are a recent development in Slovenia, linked to the overall health standards that became compulsory after EU accession. There have been complaints from Romani women who have faced negligence and abuse when trying to access these services.

29. Recommendations:

- Improving mental health services for women offered by public hospitals, including to adequate training of staff and professionals on gender issues and multicultural sensitivity
- Actively involving NGOs in plans of improving the quality of public mental health services for women, including in supervision functions.