

Policy Frames and Implementation Problems: The Case of Gender Mainstreaming

State of the Art and Mapping of Competences in Slovenia

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Summary

A historic look at the broader debates on gender equality politics shows that the development of feminist groups and feminist studies in the eighties and nineties helped to elaborate on the concepts of the woman question, women's politics, feminist politics and, only later, equal opportunities. One could claim that there was first a feminist critique of the socialist "woman question" concept, saying that it represents a "social" but not political emancipation, and that a parallel critique of the essentialist (both feminist and anti-feminist concepts) existed. Feminist critique was an important incentive for thinking about the discursive and political construction/s of different gender politics and policies to "women's politics" and "feminist politics" (influence of feminist groups) to the "gender" and "women's issues", which later, by the claiming EU to implement politics of gender equality, extended to "equal opportunities of women and men" and "gender equality". These processes were in Slovenia accompanied by the changing names of the most important nodes of the equality machinery from "Committee for Women's Politics" to "Equal Opportunities Commission" and "Office for Women's Politics" to the "Office for Equal Opportunities". At the end of nineties, gender mainstreaming was translated and introduced into Slovenian language as "integration of the principle of the gender equality".

After the independence in 1991 there were the following central debated issues, topics or areas regarding gender equality:

- abortion or reproductive rights, connected with the constitutional debate (1990-1992)
- parental leave - The law on Labor Relations, the Law on Family (1990, 91, 93, 94, 98, 99)
- violence against women, sexual harassment (1996-2000)
- the law on pension - pension system reform - discussion (1998-1999)
- quotas and representation of women in politics (1995-6, 1999-2000, 2001-2003)
- discrimination of women regarding job opportunities and at the working place (1999-2000)
- artificial insemination for single women (1999 – 2002)

The main issues that were present in the parliamentary and other debates were the above mentioned issues – plus, for example, labor relations, retirement (working life), parental and maternity leave (non-transferable part of leave for fathers), and so on. EU has had and still has an important role in introducing "central issues" through recognizing particular (gender) problems as political problems.

Main actors involved in gender equality policies were: non-governmental women's (feminist and non-feminist) groups, trade unions, women's groups within political parties and at the official level Women's Policy Commission, later Equal Opportunities Commission (abolished), Office for Women's Politics, later Office for

Equal Opportunities, Coordinators for Equal Opportunities for Women and Men (newly established), Advocate for Equal Opportunities for Women and Men (to be established), Advocate for Equal Opportunities for Women and Men.

The equal opportunities agenda in the last years was partly created by debates and procedures relating to the harmonization of legislation with the requirements of the European Union. This is one of the primary mechanisms through which gender equality or equal opportunities issues penetrate public policy agendas. The accession process has thus become an important external source of legitimization and an important frame for equal opportunities policies. Regrettably, the existing systematization concentrates on the formal sides of the approach in the first place.

1. Gender equality policies in socialist system (before 1991):

Although we cannot speak about the proper gender equality policies in Slovenia within the former Yugoslavia (1954-1991) we could still insist that a long period of the so-called state feminism existed within the former socialist system, which provided women in this region with a whole range of (mainly social) rights and working opportunities. There were elements of gender equality policies in the socialist system (see Jalušič 1994, 2002, Antić 1997). Although in self-governing socialism, all initiatives for equal opportunities for women and men were ideologically subjugated to the concept of class liberation of mankind and organized within the Council for the Social Activity of Women at the Socialist Alliance of Working People, we could say that to a certain extent, quite consistent policies in different policy areas existed, that helped maintain the constitutionally guaranteed equality. Policies like abortion on demand from 1974 onward, daycare for children, health and social security provided a surrounding in which women could become a part of the economic and semi-public space, which means that gender equality policies functioned as a part of a general socialist framework. Gender equality was provided through a worker's rights pattern¹, there existed a "woman question" as a separate question (see below under concepts. Some very recent studies even claim that "before the fall of the Berlin wall the position of women (in Slovenia)... was at an enviable level: accessibility to education, a high level of employment and thus economic independence, liberal legislation on abortion, birth control and family planning, a reasonably developed and accessible network of childcare, etc."² As a consequence, "the prevailing opinion in Slovenia was that institutions that were already in existence should regulate the issue of women's rights, and that there was no need for institutions specializing in this matter" (Bahovec et al, 2002: 312-13).

¹ The old communist system was based on a system of collective rights, on a comprehension of citizenship as obligation, a duty – it comprised ritual civil practices of obligatory participation, etc. For an individual, on the other hand, citizenship in the communist system meant primarily membership in the sense of affiliation with the state – possession of a certain passport, which was almost devoid of any value in many countries, since their citizens were often forbidden to travel. The collective subject of rights was the working people, citizens were largely identified with the working people, and the bulk of rights – including numerous rights of participation – derived from employment. While this arrangement excluded many of what Marshall calls the first and second generation of rights (civil rights which, also according to Marshall, are the basis for the development of capitalist economy, and political rights in the sense of the freedom of political association, etc.), at the same time it constituted a large corpus of, as it were, 'social citizenship'; and despite the fact that this latter was also exclusive of some specific civil rights, it nevertheless (via labour rights, or the rights deriving from work) allowed for the inclusion of certain rights, arrangements, themes and persons that would not be included, or would be non-existent, in the arrangement of traditional liberal citizenship in nation-state. One could say that citizenship in this arrangement represented a kind of obligatory 'social membership' in the all-inclusive state, which was only partly based on national sovereignty (i.e. primarily in the international sense) (Jalusic, 2003).

² They also say that these are "the achievements that should be maintained, while put into the context of the new possibilities of democratisation of everyday life" (Bahovec et al, 2002: 312-13).

2. Gender equality policies in the independent state of Slovenia (after 1991)

The first autonomous citizens' groups, which also included women's groups and organizations, appeared in the period of transition from socialism to parliamentary democracy, which, in Slovenia, began before 1989. Their establishment was brought about by social and political changes, which to many represented either a challenge to actively participate in politics and society or a threat that such changes would affect the positive achievements which were already in effect. Women's groups began drawing attention to many pressing issues connected with the situation of women and families. They created problems for the relationships among private, public and political spheres, demanded a change in the image of women in the media and schoolbooks, and the right to free choice and free expression of sexual orientation. They also brought public attention to violence against women and in families, etc. There were other groups (e.g. Women for Politics), which paid more attention to the situation of women in politics. It was from these groups that the first initiatives came for a different institutionalization of women's policy at the government level, namely in the form of a special ministry. Being under the influence of the group, The Socialist Youth Alliance, which later became the Liberal Democratic Party (LDS), took over this initiative to establish a ministry for women or an institution that could influence government policies. Its efforts were "rewarded" after the multi-party elections in 1990 when, in July of the same year, the Assembly of the Republic of Slovenia established the Committee for Women's Politics (later renamed Parliamentary Commission for Equal Opportunities). In 1992 the Women's Politics Office was founded as an independent advisory body for women's and gender equality issues (see Jalušič, 2002). Its director soon became one of the members of the Women for Politics group. The Office started to function as the basis of the machinery for gender equality politics. The activities of the Bureau for Equal Opportunities could be felt on different levels, and in different contexts of Slovenian public and private life. The office was also, together with some NGOs the main starter of the gender mainstreaming practices.

The mere talk about gender mainstreaming started in the mid nineties, especially with the intensifying process of EU integration and with the plans to implement politics pertaining to gender equality (directives, resolutions and recommendations) in the directives... It became publicly known through a concrete Women's Policy Office project (See Gortnar, 2002):

Gender mainstreaming (a pilot project in 1997)

In 1997, the Women's Policy Office prepared a project entitled "*Enforcement of participation of women in decision-making process and development of politics in Slovenia*", with the integral part "*Gender Mainstreaming in Slovene Government Policy Development*". The United Nations Development Program (UNDP) and the Women's Policy Office financed the project. The goal of this pilot project was to establish gender mainstreaming as a standard tool for policy making in the Government, thus ensuring a gender

perspective that is integrated into the entire process of policy development, implementation and monitoring. This is to be done through sensitization, capacity-building, and institutional development.

The analysis of prerequisites for gender mainstreaming in the Government showed that Slovenia meets most of the requirements, including, for example, expressed political will, gender desegregated statistics, specific gender equality policy and even financial resources for the initiation stage of the project. However, one of the most important prerequisites for gender mainstreaming, the participation of women in political and public life, was the least fulfilled. In fact, the participation of women in political decision-making in Slovenia is among the lowest in the EU and CEE countries. The analysis recognized some of the circumstances creating this situation, such as election system, political parties' policies, and absence of specific policies or measures.

The three ministries, which made an agreement about cooperation in the initial phases of the project, confirmed the political will: Ministry for Labor, Family and Social Affairs, Ministry for Education and Sports, and Ministry of the Interior. The Women's Policy Office selected these ministries because of their specific position and role in the government. The Ministry for Labor is responsible for policies that directly affect an individual, making the gender dimension apparent in most policies and issues with which it deals. The Ministry for Education is responsible for education and awareness rising, and therefore it could develop and implement educational programs concerning gender equality and gender mainstreaming. The Ministry of the Interior is responsible for human resource policy in the Government and in charge of the education and training of government administration employees.

The project was divided into two phases. The goal of the first phase was to gain acceptance of the gender mainstreaming strategy in the government policy development, and the following aim was, for each ministry involved, to prepare and implement a pilot project for the following year. In the beginning stage special training workshops were organized for the inter-resort working group with the representatives from ministries, Women's Policy Office, and for some administrators from other ministries, NGOs and political parties in order to gain the knowledge on the position of women and men in Slovenia, on legal regulation in the field of equality and on the concept of gender mainstreaming. There were also plans for giving further training to the inter-resort group on gender impact assessment methods and for the training of gender experts on monitoring procedures, tools and analytical techniques. (see Gortnar 2002)

3. Central concepts

It is difficult to say that, in the case of Slovenia, there was any originally explored and elaborated central concept behind the (Offices) mainstreaming project: it was mainly taken over from the EU experience and expertise (as "integration of the principle of the gender equality", see Kozmik, 1998 and Andersen, Tercero, Antić, 1998).

If one takes a historic look at the broader debates on gender equality politics, we could say that the development of feminist groups and feminist studies in the eighties and nineties helped to elaborate on the concepts of the woman question, women's politics, feminist politics and, only later, equal opportunities. One could claim that there was first a feminist critique of the socialist "woman question" concept, saying that it represents a "social" but not political emancipation (Jalušič 1992), and that a parallel critique of the essentialist (both feminist and anti-feminist concepts: Jalušič 1992, Bahovec 1993) existed. Feminist critique was an important incentive for thinking about the discursive and political construction/s of different gender politics and policies to "women's politics" and "feminist politics" (influence of feminist groups, see Jalušič 2002, Bahovec 1993) to the "gender" and "women's issues", which later, by the claiming EU to implement politics of gender equality, extended to "equal opportunities of women and men" and "gender equality". These processes were accompanied by the changing names of the most important nodes of the equality machinery from "Committee for Women's Politics" to "Equal Opportunities Commission" and "Office for Women's Politics" to the "Office for Equal Opportunities".

At the end of nineties, gender mainstreaming was translated and introduced into Slovenian language as "integration of the principle of the gender equality" (Office for Women's politics project described above). But if one speaks in terms of concepts we could say that the main concepts still remain equal opportunities and gender equality.

4. Central issues / topics / areas

After the independence in 1991, we could speak about the following central debated issues, topics or areas:

- abortion or reproductive rights, connected with the constitutional debate (within this area of health: 1990-1992)
- parental leave - The law on Labor Relations, the Law on Family (1990, 91, 93, 94, 98, 99)
- violence against women, sexual harassment (1996-2000)
- the law on pension - pension system reform - discussion (1998-1999)
- quotas and representation of women in politics (1995-6, 1999-2000, 2001-2003)
- discrimination of women regarding job opportunities and at the working place (1999-2000)
- artificial insemination for single women (1999 – 2002)

Some of the major equal opportunities issues are in relation to homosexuality. This is also one of the symptomatic aspects of the political and social conditions in the socialist times. Especially this aspect of gender equality politics is still to be institutionalized (the legislation still needs to be ameliorated, there is no specialized governmental body, the Ombudsman seems to ignore the issues of homosexuality, etc., see Bahovec 2002)

EU has had and still has an important role in introducing “central issues” through recognizing particular (gender) problems as political problems.

5. Main actors involved in gender equality policies

Here we do not go into any deep analysis of the different actors that were involved in the agenda setting and policy making in the field of gender equality policies in Slovenia. We are mainly listing them (also showing the gender equality machinery) and describing their formal functions and some accomplishments. From 1990 onward, there were the following main actors involved in this field.

Women's Policy Commission, Equal Opportunities Policy Commission

The *Women's Policy Commission* was established in 1990 within the National Assembly. The Commission as a consultative body was at first responsible for monitoring the position of women and for submitting proposals for improving their position. Its basic tasks were giving objections and opinions during the procedure of passing legal Acts in the Assembly that ensure that women have the possibility to achieve equal status in all spheres of life and which maintain the level of women's rights already achieved. Within the framework of its possibilities, it was monitoring the position of women in our society and placing proposals before the Government and the Assembly on the improvement of the position of women. The Commission was cooperating closely in all its activities with experts in various fields and with autonomous Women's initiative groups.

After the 1996 national elections, the Commission was entrusted with greater competencies in dealing with issues of equality between women and men. The name of the working body was changed to the *Equal Opportunities Policy Commission* in order that its policy would not be understood as excluding men or devoting itself exclusively to women's issues. The Commission consisted of ten members and performed its tasks in cooperation with independent experts. The Commission was abolished after the national elections in 2000 and during the reorganization of the parliamentary bodies. The area of gender equality issues was put under the authority of the *Committee for Internal Affairs*.

One of the first significant achievements of the Commission was the preparation of the Report on the Situation of Women in the Republic of Slovenia (1992), which was the first publication of this kind. This report represented an important contribution to the clarification of the women's situation, particularly since it contained proposals, based on an analysis of the present situation, for measures which the government and the parliament could use as guidelines in particular fields.

As the Commission has always been aware that one of the preconditions for the realization of the policy of equal opportunities is for the policy to become part of government policy, it has endeavored to establish a government ministry or a service for women's policy or policy of equal opportunities. Its efforts and pressures on the government were rewarded two years later, when the Office for Women's Politics was established.

Women's Policy Office, Office for Equal Opportunities

In June 1992, the Government of the Republic of Slovenia founded the Women's Policy Office as a self-standing government body, a professional service responsible for the realization of the rights of women guaranteed by the constitution, legislation and international treaties. In 2001, the Office was renamed the *Office for Equal Opportunities* and as such continues the work specified by decision of the Government and the Act on Equal Opportunities for women and men. It also carries out the activities for integrating the principle of gender equality into government policy and for eliminating inequality in all areas of life.

The basic tasks of the Office are:

- to monitor the position of women and the realization of their rights guaranteed under the constitution, laws and international conventions;
- to consider, in terms of gender equality, regulations, acts and measures adopted by the government and competent ministries, and to issue opinions and proposals prior to their adoption;
- to participate in the preparation of regulations, other acts and measures prepared by ministries concerning the position of women and the creation of equal opportunities;
- to issue initiatives and proposals for action to the government and to the ministries;
- to prepare gender based analyses, reports and other materials;
- to promote the equality between women and men through disseminating information and awareness-raising;
- to discuss initiatives of non-governmental organizations;
- to work in partnership with local, regional, national and international organizations in the area of equal opportunities.

Some of the main areas in which the Office performs its tasks are: participation in politics and political decision-making; employment and labor market; family relations; social inclusion; violence against women and sexual exploitation; health of women and men; the regional network contributing to the creation of equal opportunities for women and men in their local environments.

The Office performs tasks in cooperation with ministries and other public services, with international, national and foreign governmental and non-governmental organizations and other institutions, and with foreign and domestic experts.

The Office for Equal Opportunities is a part of a structure of the Prime Minister's Office and in this position it is likely to be exposed to political and governmental changes. Hence, the main problems of the Office are its unclear mandate, limited authority and competence, and a marginalized position in the government structure. Additional difficulties, deriving from their position in the state administration are low financial allocations from the national budget and lack of human resources.

Such set-up of operating conditions hinders the successful and thorough implementation of its main tasks in different areas, for example political decision-making, employment, family relations, violence and sexual exploitation, health and social security.

Presently the reorganization of offices is taking course.

Co-ordinators for Equal Opportunities for Women and Men (*newly established*)

The Act on Equal Opportunities for Women and Men introduces a new mechanism for the integration of gender perspective in government policies and its implementation and monitoring. Each ministry appointed an official which performs the duties of a coordinator for equal opportunities for women and men. The coordinator is responsible for the implementation of duties deriving from the law, within the competence of the ministry, and works closely with the Office for Equal Opportunities.

The discussion at the first meeting (in the form of a workshop) of the coordinators, held in January 2003, showed the openness, preparation and importance of gender policy becoming the constitutive part of policy-making at each ministry. With the coordinators for equal opportunities, the mechanism for gender mainstreaming into government policies is established. At the moment the main task of the coordinators is bound to co-operation in preparation of the National Program for Equal Opportunities for Women and Men, which is envisaged in the Act for Equal Opportunities for Women and Men.

Advocate for Equal Opportunities for Women and Men (*to be established*)

With the Act on Equal Opportunities of Women and Men, Slovenia introduced a separated body of an *Advocate for Equal Opportunities for Women and Men*, who will deal with individual cases of alleged unequal treatment and discrimination of women and men and will provide a written opinion with findings and assessments of the circumstances of the case. The advocate will be employed at the Office for Equal Opportunities and will start work in 2003. According to the law, the Advocate's tasks are to investigate and advise in the case of unequal treatment and discrimination on the grounds of gender.

An initiative for hearing a case may be submitted by individuals, non-governmental organizations, trade unions, and other civil society organizations or other legal persons, and the advocate may also hear an anonymous initiative if she or he considers that it concerns such an important and serious matter, and that hearing it would be sensible in relation to the act's aim. A hearing will generally be done in writing, but depending on the circumstances of the case, the advocate may also invite the parties involved for a discussion. The advocate can request specific explanations from the opposing party, but if she or he does not receive them, will issue an opinion on the basis of the available data. In the opinion, the advocate will state her or his findings and assess the circumstances of the case with regards to the existence of unequal

treatment, may draw attention to irregularities found, recommend the method of their elimination, and call on the opposing party to inform the advocate about its measures within a fixed time frame.

Any individual may also turn to the advocate with a request for an opinion on whether she or he will cause or has caused unequal treatment of women and men with any of their actions. The Office for Equal Opportunities will report annually to the Government on the work of the advocate.

The Advocate for Equal Opportunities for Women and Men has no special budget funds. The Advocate will be financed from the fund for staff salaries of the Office for Equal Opportunities.

Women's groups within political parties

After the first democratic parliamentary elections in 1992, when the proportion of women in the newly elected National Assembly fell below 12%, it was realized that women, both within political parties and the civil society, cannot expect an influential role of women in the society and particularly in politics without organized action. This has resulted in the organization of women's groups in nearly all the parliamentary parties, where they began to exert pressure on their parties to provide for an equal access to political power for women. These groups were: The Minerva Club of the Liberal-Democratic Party, from 1995 The Women's Network of the LDS - Liberal Democracy of Slovenia, The Women's Committee of Social Democrats of the Social Democratic Party of Slovenia, The Slovene Women's Association of the Slovene Christian Democratic Party, The Women's Forum of the Associated List of Social Democrats, The Women's Group of the Socialist Party of Slovenia, Women's Association of the Slovene People's Party

After the 1996 elections, only two of the seven political parties that entered the parliament were without a specially organized women's group. Women's groups were organized inside the Liberal Democracy of Slovenia (LDS Women's Network); the Slovene People's Party (SLS Women's Association); the Social Democratic Party (SDS Women Democrats Committee); the Slovene Christian Democrats (SKD Slovene Women's Association); and the United List of Social Democrats (ZLSD Women's Forum).

Currently (after the elections 2000), all the parliamentarian political parties, with the exception of Slovene National Party (SNS), have specially organized women's groups.

Trade unions

There are 34 trade unions in Slovenia, but there is only one trade union which has an organized women's group: the Metal and Electrical Industries Trade Union (SKEI), which at its second congress in July 1994, when the working bodies were set up, founded the *Commission for Women's Issues*, which set the exercise of women's

rights and the expression of their interests at work and within its trade union organizations as its major objectives.

Following this example, several trade unions have founded specific working bodies for equal opportunities. Committees for equal opportunities for women and men, for example, function within the Power Workers Trade Union of Slovenia, the Trade Union of Chemical, Non-metal and Rubber Industries of Slovenia, and the Association of Independent Trade Unions of Slovenia. A Council for Women's Policy operates Within the Federation of Trade Unions of Slovenia 90.

Non-governmental women's groups

There are more than 50 non-governmental women's groups in Slovenia, which can be further divided into five major groups: women's groups organized on the basis of profession, politically engaged women's groups, independent women's groups, women's groups in the border regions, and groups for assisting women who are victims of violence. We can clearly differentiate between women's and feminist groups. There are many women's groups, especially some professional and other women's groups which do not take part in the gender equality or equal opportunities debates at all or which do promote a very traditional women's image. The most feminist groups tried for quite some years to change understanding of politics and change the political agenda through their actions. Also, they attempted and succeeded to bring some private topics into the public sphere with the purpose to rethink some questions, like the question of the identity, sexual orientation, domestic violence etc. The most post-socialist achievements, like some elements of national machinery for gender equality, or an important move in the domestic violence debate were due to the pressure of feminist groups (see Jalušič, 2002), succeeding (among others) to convince the general public, some important individuals or even some parts of the party leaderships about the importance of the issues.

Some change in the sphere of the functioning of some the women's groups was made in the second half of the 90s with the attempts of linking up of non-governmental organizations. The NGO-ization of women's groups was here not so powerful as in some other Eastern European or Post-Yugoslav countries but it still did have an impact. In 2001 the Center for Informing, Co-operation and Development of Non-Governmental Organizations (CNVOS) was founded. Its purpose is to strengthen their development, to network and establish cooperation of non-governmental organizations in Slovenia. CNVOS is supposed to offer its members a technical support, legal and advisory services and assistance in setting up cooperation with government, government services, local authorities, and related domestic and international organizations. As a to be important umbrella of NGOs CNVOS treats women's policies and equal opportunity policies as a specific project field. The main aim of this field is strengthening and 'networking' women's non-governmental organizations and non-governmental organizations that deal with the issue of equal opportunities for women

and men. Still, CNVOS is a beginner institution and is still searching for a proper model of cooperation with the government in the new EU surrounding and one thus cannot project its future role.

EU

Equal opportunities and the strategy of gender mainstreaming are highly promoted in the EU gender equality policies. It may seem that, in Slovenia, as in the whole EU accession countries region, particularly inasmuch as “institutional public interest” is concerned, state bureaucracies, parties and institutions developed an interest in equal opportunities policies only after the EU began to exert strong pressure on their social policies. On the other hand, it seems that issues related to “equal opportunities” and the setting-up of support mechanisms should be understood as a wider process that transcends the boundaries of the “harmonization” process in those countries that desire to join the EU. Despite a strong impression that equal opportunity policies in the past few years have been the result of EU directives, it is nevertheless possible to talk of at least three main incentives that encouraged the initial proposals and implementation of anti-discriminatory measures and the setting-up of “national machinery” for the introduction of equal opportunities policies. These incentives were:

- pressure from (feminist) women's NGOs (civil society initiatives with extensive international links) and the initiatives of certain political parties, especially left-oriented ones
- the 1995 UN Conference on Women in Beijing that dealt with the elimination of all forms of discrimination against women, and the preparation of national action plans
- the process and preparations for the expansion of the EU and, within that framework, the adoption of EU regulations (guidelines/directives on equal opportunities politics)

A co-operation problem between governmental and non-governmental spheres exists: it is insufficient and too often takes place under circumstances in which responsibilities are not clearly distributed. NGOs often accomplish some of the work that should be the responsibility of governmental institutions (the case of equal opportunities aspects in relation to homosexuality) (see Jalušič and Antić 2001).

6. Main accents in policy making

The equal opportunities agenda in the last years was, as already mentioned, partly created by debates and procedures relating to the harmonization of legislation with the requirements of the European Union. This is a primary mechanism through which gender equality or equal opportunities issues penetrate public policy agendas. The accession process has thus become an important external source of legitimization and an important frame for equal opportunities policies. Regrettably, the existing systematization concentrates on the formal sides of the approach in the first place, meaning that public administration is primarily concerned with the formal and legal aspects of alignment with the EU and the question of administrative efficiency rather than with the actual content of the issues. Directives were thus delegated from the top and often do not take specific context of individual policies into account, which sometimes caused problems in the public understanding of the importance of these policies.

Public debates on the importance of women's participation and representation in politics have become one of the important parts of pre-election debates, but they have mainly not extended beyond the question of "why politics needs women at all". It is generally assumed that women would create better and less corrupted political system that relates better to people, therefore their greater participation is important and parties should support them for this reason. There is only weak readiness among the parties to introduce mechanisms to support women's presence in institutional politics.

The main issues that were present in the parliamentary and other debates were the above mentioned issues – plus, for example, labor relations (including sexual harassment), retirement (working life), parental and maternity leave (non-transferable part of leave for fathers), and so on (see Jalušič and Antić 2001).

Different equal opportunities projects supported by the EU institutions have been running in Slovenia.³ Gender mainstreaming has become a part of the international, national and regional agenda, in the realm of the advancement of equality between women and men, and thus, also in Slovenia. Despite the experience with a well-set project of gender mainstreaming in the government, Slovenia is still in its initial stage of creating conditions for a sustainable strategy of integrating gender in the process of policy-making (see Gortnar 2002).

Policy making has mainly concentrated on defensive agendas that mainly defended "past achievements" and rights, or adapted them to the new (EU or other) circumstances. In general, we could say that there was a soft approach towards gender equality policies. This means that there were practically no powerful actors that would push especially hard for any of the issues that were debated over the last ten years.

³ For example, *Women Can Do It*, a training of future women politicians, organised by the Stability Pact Gender Task Force; Phare-Twinning Project *Occupational Safety and Health, and Equal Opportunities*, the part on Equal Opportunities was the task of the Office for Equal Opportunities; Slovenia agreed on the implementation of the *UN Convention on the Elimination of All Forms of Discrimination Against Women*.

7. Equality legislation

Constitution

The basic provisions for ensuring, realizing and protecting human rights and fundamental freedoms are included in the Slovene Constitution. Article 14 states that everybody has equal rights and fundamental freedoms, irrespective of nationality, race, gender, language, religion, political stance, material condition, birth, education, social position or any other personal circumstance. All are equal before the law. The violation of the principle of equality is regulated in Article 141 of the Penal Code of the Republic of Slovenia (*Uradni list RS* 1993). Anyone who 'by means of discriminating on the grounds of nationality, race, color, religious persuasion, ethnical affiliation, gender, language, political or other conviction, sexual orientation, financial status, birth, education, social status or other circumstances, deprives another of any human right and basic privilege acknowledged by the international community or regulated by the Constitution or the law, or restricts any such right or privilege, or on the grounds of such discrimination grants anyone a special right or benefit' will be prosecuted and convicted (Greif 2001).

Act on Equal Opportunities for Women and Men

The Act on Equal Opportunities for Women and Men was prepared by the Office for Equal Opportunities in cooperation with a government working group, and non-governmental organizations, trade unions and individual experts were also invited to cooperate. The National Assembly adopted the act in June 2002, and it took effect in July 2002. It is a general law that specifies common grounds to guide the development of legislation in individual areas. The act introduces an integrated approach to establishing equal opportunities and promoting gender equality, the aim of which is to achieve sustainable development in this area. Equality of women and men as defined by the Act on Equal Opportunities for Women and Men means that women and men participate equally in all fields of public and private life, that they have equal status and equal opportunities to enjoy all rights and to develop personal potential by which they can contribute to social development, as well as the right to equal benefit from the results that development brings. The act also specifies equal opportunities for women and men as eliminating obstacles to the introduction of gender equality, in particular through the prevention and elimination of unequal treatment of the two sexes as forms of discrimination in practice, which is derived from traditionally and historically conditioned different social roles, and creates the conditions for the introduction of gender balanced representation in all fields of social life.

Act on Equal Opportunities for Women and Men determines the roles of the National Assembly, the Government, Ministries, the Office for Equal Opportunities, local communities, political parties and the Human Rights Ombudsman.

Ministries have the main role in implementing gender mainstreaming, since the act determines that in the preparation of regulations and other measures that apply in the fields which are relevant for the establishment of equal opportunities, ministries must take into consideration the gender equality perspective and cooperate for this purpose with the Office for Equal Opportunities, taking into account their proposals and opinions. All ministries have this task under the act, and they must, each in their own field, appoint an official, or coordinator for equal opportunities for women and men, who will take care of these and other duties of the ministries. The act also prescribes that local communities include the gender perspective in adopting measures and activities relevant for creating equal opportunities, and they can similarly have a coordinator for equal opportunities for women and men. The national program for equal opportunities for women and men, envisaged by the act, will determine aims and measures for their achievement in individual fields, such as in the field of labor relations and healthcare, education, family relations, violence against women, representation of both genders in public life, etc.

With the Act on Equal Opportunities for Women and Men, Slovenia also introduced a special advocate for equal opportunities for women and men, who will deal with individual cases of alleged unequal treatment of women and men (discrimination) and provide a written opinion on this. The Act also introduces a special strategy for achieving gender equality, integrating the principle of gender equality into all policies, gender mainstreaming. The government, ministries and local communities carry responsibility for gender mainstreaming, while the Equal Opportunities Office is charged with providing professional support in developing appropriate methods and systems.

With the adoption of the Act on Equal Opportunities for Women and Men, Slovenia gained the ground for the introduction of temporary special measures. The aim of their introduction is the creation of equal opportunities for women and men and the promotion of gender equality in fields in which there is an imbalance in the representation of women and men or they are in an unequal position. The act divides special measures into positive, encouraging, and program measures. Positive measures are those that give priority to persons of the gender that is represented in smaller numbers or is experiencing unequal status, encouraging measures, give special benefits or introduce special incentives for the purpose of eliminating non-balanced gender representation or an unequal status on account of gender. Program measures are measures in the form of awareness-raising activities, and action plans for the promotion and establishment of equal opportunities and gender equality you may want to divide this sentence into smaller sentences. The act also specifies the method of adopting special measures, which is determined in particular in relation to adopting positive measures. Positive measures may be adopted in the fields of education, employment, professional life, public or political activity and in other fields where reasons are given for their introduction. Furthermore, state authorities and other bodies in the public sector, economic operators, political parties and civil society organizations may adopt these measures. Those entitled must, at the time of introduction of the measures, prepare an action plan in which they analyze the status of women and men within their field of work, specify the reasons for the adoption of positive measures, identify the aims that they are intended to

achieve, and also indicate the start of implementation, the method of monitoring, supervision of implementation and the cessation of implementation of the measures. Action plans must be submitted to the Office for Equal Opportunities for their approval prior to the commencement of the implementation of positive measures.

Employment Relationships Act

The constitutional principle of equality between men and women is supported by specific anti-discrimination acts included in Slovene legislation. The Employment Relationships Act contains provisions on the prohibition of direct and indirect discrimination on the grounds of sex in job seeking, employment, promotion, vocational training and pre-qualification. Moreover, the article on equal pay for the same work or work of the same value for men and women is included in the Act. Under this law, equal opportunities and equal treatment in employment, promotion, training, wages and other incomes, along with absence from work, working conditions, working hours and canceling employment, has to be assured to women and men.

The most innovative part of the Act is the article dealing with sexual harassment. According to the Act, employers are bound to provide a working environment in which no worker will be exposed to any undesired treatment of a sexual nature, including undesired physical, verbal or non-verbal treatment or other behavior based on gender, which would create intimidating, hostile or humiliating working relations and environments and degrade the dignity of men and women at work, on the part of employers, superiors or co-workers. Rejection of such treatment on the part of an affected worker may not be a reason for discrimination in employment and work.

The Employment Relationships Act devotes particular attention to the protection of pregnancy and parenting. For pregnancy and parenting, workers have the right to special protection in employment, and in the event of a dispute in connection with claiming special protection for pregnancy and parenting, the burden of proof lies with the employer. In the same way, employers must make it possible for workers to coordinate their family and occupational duties more easily.

In the case of a dispute connected with any form of discrimination based on gender prohibited by the Employment Relationships Act, the burden of proof lies with the employer.

Parental Care and Family Benefits Act

The *Parental Care and Family Benefits Act*, which was adopted in the National Assembly in November 2001 and was applied from 1 January 2002, governs an area that was previously regulated by two laws, the Employment Act and the Family Benefits Act.

The *Parental Care and Family Benefits Act* regulates two groups of rights: insurance for parental care and the rights deriving from this, and family benefits.

The choice of a different word here in the Act is the introduction of 90 days non-transferable paternity leave in order to encourage parents towards greater sharing of parental leave and fathers to take paternity leave.

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