

Report of the High Commissioner on the role of the public service as an essential component of good governance in the promotion and protection of human rights – good practices in SLOVENIA

Training programmes for civil servants in the Slovenian public sector

Administration Academy is the division within Ministry of Justice and Public Administration, Directorate for Public Sector, responsible to prepare and implement training programmes for civil servants in the Slovenian public sector.

Regarding the training in the field of the promotion and protection of human rights, relevant for civil servants, we would like to underline at least four cases of good practices:

1. Based on Civil Servants Act the Administration Academy provides obligatory qualifications for the appointment into the title. Each civil servant is obligated to pass this training programme within one year after making the contract of employment. One of the most essential module within this training programme is Human Rights and Freedoms, Laid Down in the Constitution Act.
2. Based on Regulation on Internal Organisation and Staffing Structure the Administration Academy provides Training programme for top managers: Management and Leadership in the Public Sector. Each manager (directors general, secretaries general, directors of government offices....) is obligated to pass this programme within the period of 15 months after the nomination on the position. One of the modules within this training programme is The Ethics and Integrity in the Management of the Public Sector. This module is also included in the Training Programme for Middle Management.
3. Administration Academy also provides The Training Programme for Personnel Managers within Public Sector, which includes two modules on violation of rights and legal protection of civil servants and frequent irregularity or offence within the administrative procedures.

Besides that the Administration Academy permanently provides several seminars including human rights, like: mobbing, access to public information, protection of personal data, anti – corruption measures and others.

Equal access of women and men to public service positions

In Slovenia affirmative or special measures to ensure equal representation of women and men in certain appointed positions have been legislated.

The *Equal Opportunities for Women and Men Act* which took effect on 20 July 2002 is a special law aiming at promoting the achievement of substantive gender equality. Equality of women and men as defined by the Act means that women and men participate equally in all fields of public and private life, that they have equal status and role in all areas of life and equal opportunities to enjoy all their rights and to develop personal potentials by which they contribute to social development, as well as the right to equal benefit from the results that development brings. One of the specific aims of the Act is also the creation of conditions conducive towards equal representation of women and men in all domains and to this end it provides a legal basis for using special measures to remove obstacles hindering the gender-balanced representation. The Act also obliges the government to respect the principle of balanced representation of women and men with regard to the composition of consultative and co-ordination bodies, other working bodies and delegations established in accordance with the *Government of the Republic of Slovenia Act* and with the government's Standing Orders as well as with regard to the appointment or nomination of government representatives in state-owned companies and other public bodies, unless this is not possible for objective reasons. The same obligation is also binding on ministers with regard to the composition of expert councils established in accordance with the *State Administration Act*.

In compliance with these provisions of the *Equal Opportunities for Women and Men Act* in September 2004 the Government adopted the *Decree regulating the criteria for implementation of the principle of balanced representation of women and men*. The Decree lays down the procedure for ensuring balanced representation of women and men in the composition of working bodies and in appointing and/or nominating government representatives. Both, the Decree and the Act provide that the principle of gender-balanced representation is respected when at least 40-percent representation of women and men respectively is ensured. In certain specified circumstances the Decree permits, on objectively justified grounds, exemptions to this principle. Such exemption is permitted in cases where membership to a certain government body stems from a particular function (i. e. minister or secretary of state).

Through implementation of the Decree the representation of women in working bodies has been increasing. According to the latest available data, the average representation of women in government bodies and in public institutions exceeded the gender balanced representation threshold of at least 40 percent representation of both sexes. However, women remain to be unequally represented concerning the appointments in public agencies and funds, as there were only 31% women representing the government in agencies, and 37% in funds.

The justifications for exemption to the binding rule of gender-balanced representation in the composition of government bodies, taskforces and government councils, and representatives of the government in entities governed by public law, most often indicate lack of available persons of a particular sex which meet the required professional and other criteria. In bodies where membership is specified by function, deviations from the balanced representation principle are the result of an insufficient number of women in ministerial functions and state secretary positions.

Another good practice that might be relevant to the scope of the study

The prohibition of harassment and sexual harassment, and the protection of the dignity of employees are regulated by the Employment Relationship Act. The Act obliges employers to ensure a working environment in which no employees are subjected to sexual or any other type of harassment or abuse by the employer, superiors or co-workers, and stipulates that, to this end, employers must take adequate measures to protect workers from such prohibited actions. On this basis, several employers in Slovenia have already adopted appropriate measures. In 2009, as an example and encouragement to those employers who have not yet done so, the Government of the Republic of Slovenia adopted the *Decree on measures for protecting workers' dignity in the state administration*. The Decree obliges the leading personnel to acquaint all employees with the provisions of the Decree, and to appoint one or more counsellors to offer assistance and provide information on measures available in the context of protection against sexual and other types of harassment and abuse. Those responsible have already appointed counsellors and by now all of them have attended training provided by the former Office of the Republic of Slovenia for Equal Opportunities. The Decree defines the measures to be implemented in cases where the prohibition of such acts is violated, and requires that the police or competent State Prosecutor's Office be informed when there is a suspicion of a violation of the prohibition of sexual and other types of harassment or abuse that is defined as criminal offence in the Criminal Code.