**Working Group on discrimination against women in law and in practice**

**Questionnaire on good practices – Answers by Slovenia**

**Questionnaire**

**For the following sections, please provide information about a law that has been selected as an exemplary case study of a “good practice” in eliminating discrimination and empowering women in your national context.**

**I. Identification of a law that has eliminated or substantially reduced discrimination and supported women’s empowerment.**

*Background Information on the Law*

1. Name/Title of the Legislation: *Protection against Discrimination Act*

2. Date the law passed and came into force: *21 April 2016 (passed) / 24 May 2016 (came into force)*

3. Was it a new law or an amendment of an existing law?

New ( x ) Amendment ()

 If it was an amendment of an existing law, please providing name/title of existing law and any pertinent information here:

*The Protection against Discrimination Act replaced the Implementation of the Principle of Equal Treatment Act, which was adopted in 2004 and amended in 2007, bringing it up to date.*

4. Is the legislation focused specifically on discrimination against women/gender equality, or is it part of a larger piece of legislation (i.e. Labour law with provisions around gender)? Please explain.

*It is* *a fundamental and general law (lex generalis) on the prohibition of discrimination on grounds of any personal circumstances, which includes the prohibition of discrimination on grounds of sex.*

5. Please provide a summary of the content of the law, its preamble or explanatory note, policy measures, dissemination and implementation regulations, and provisions for access to justice, as well a link to where all these can be found online.

*The Act has not yet been translated into English. Link:* [*http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273*](http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273) *(in Slovene only).*

*A short summary of the Protection against Discrimination Act:*

* *it provides the common basis and starting point for ensuring equal treatment for all in the exercise of their rights, obligations and fundamental freedoms in all areas of social life, irrespective of personal circumstances such as sex, nationality, racial or ethnic origin, language, religious or other conviction, disability, age, sexual orientation, sexual identity and sexual expression, social status, financial situation, education, or any other personal circumstance;*
* *it stipulates that the state bodies and bodies of self-governing local communities are responsible for ensuring conditions for equal treatment;*
* *it defines discrimination, equal treatment, direct and indirect discrimination and other forms of discrimination, harassment and sexual harassment, and the adoption of specific measures;*
* *it establishes the Advocate of the Principle of Equality as an independent state body with the competencies conferred by the Act.*

6. When was the first draft of this law introduced, and when was it adopted (please specify dates of first draft and adoption?

*In 2011, the Government established an interministerial group to prepare amendments to the Implementation of the Principle of Equal Treatment Act; its task was to draft amendments to the said Act, particularly regarding the arrangements of the institution of the Advocate of the Principle of Equality. Owing to the change of government and the reorganisation of the public administration in 2012, the working group failed to complete its work. Nevertheless, efforts to regulate more appropriately the status of the Advocate of the Principle of Equality have been continued by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, to which the Advocate was transferred in 2012. In view of the current situation of the Advocate of the Principle of Equality, the need for a clearer delineation of competences between the Human Rights Ombudsman and the Advocate as regards the public and private sectors, the rather small Slovenian population and the current economic situation, and with the aim of facilitating access to assistance for victims of discrimination by providing a single point of protection, the initial proposal was to combine the administrations of the Advocate of the Principle of Equality and the Human Rights Ombudsman. Failing to reach an agreement with the Human Rights Ombudsman on the administrative integration of the two institutions, efforts were focused on finding a more appropriate arrangement for the institution of the Advocate by clearly defining his/her powers as regards the private sector, for which the Human Rights Ombudsman has no authority, thereby enabling the Advocate to manage financial and human resources independently.*

*First draft: 2012*

*Adoption: 21 April 2016 (passed) / 24 May 2016 (came into force)*

7. In your view, does the law in question place a positive duty on the State to achieve substantive equality for women?

Yes (X) No ( )

 If yes, please explain:

*The Act stipulates that state bodies and bodies of self-governing local communities are responsible for providing the conditions for equal treatment and the prohibition of discrimination including on grounds of sex. Based on the act, the Advocate of the Principle of Equality is to be established as an independent state body.*

8. Does the law contain a definition of discrimination that is in accord with Article 1 of CEDAW?

Yes, indirectly (X) No ( )

 If yes, please direct us to the section of the pertinent document. If not, please indicate if that definition is enshrined already in the constitution or charter of rights.

*The Act contains a general definition of discrimination irrespective of any personal circumstances including sex, based on the EU and international law. Therefore, the CEDAW definition of discrimination is indirectly included in the Act.*

9. Does the law’s definition of discrimination include and define both direct and indirect discrimination?

Yes (X) No ( )

 If yes, please explain:

*The Act defines direct and indirect discrimination.*

10. How has the Constitution supported the process of adoption and implementation of the law? Does the Constitution have an equality and non-discrimination provision?

*In accordance with the Constitution, everyone is guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance. All are equal before the law (Article 14). Judicial protection of human rights and the right to obtain redress for the violation of such rights are guaranteed by the Constitution (Article 15).*

11. Does the law contain provisions that address discrimination against women from an intersectional perspective, taking into account a diversity of women’s social identities, statuses and experiences?

 Yes (X) No ( )

 If yes, please explain which social identities, statuses and/or intersectional factors are explicitly noted in the law:

*Sex, nationality, racial or ethnic origin, language, religious or other conviction, disability, age, sexual orientation, sexual identity and sexual expression, social status, financial situation, education, or any other personal circumstance. The Act defines intersectional discrimination, i.e. cases of discrimination based on several grounds, as an aggravated form of discrimination.*

12. Whom of the following are bound by the law?

 The State Yes (X) No ( )

Public Authorities/Bodies Yes (X) No ( )

Civil society organisations Yes (X ) No ( )

Private companies Yes (X) No ( )

Individuals Yes (X) No ( )

**II. How the law came into being and was implemented**

1. What was the impetus for the development of this law (i.e. social movement activism, political platform, a Supreme Court ruling, an egregious case of discrimination, constitutional reform…)?

*Pursuant to the Equal Opportunities for Women and Men Act, an Advocate of the Principle of Equality, responsible also for issues related to the equal treatment of women and men, operated within the Office for Equal Opportunities. Upon the discontinuation of the Office and the transfer of its tasks and staff to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the institution of the Advocate of the Principle of Equality was reassigned to the said Ministry. Although the Advocate's tasks and powers remained unchanged, in July 2014, the European Commission initiated an infringement procedure against Slovenia due to the inappropriate arrangement of the status of the Advocate of the Principle of Equality, which was in breach of European Directives 2000/43, 2004/113, and 2006/54. This provided a strong impetus for the adoption of the Protection against Discrimination Act.*

2. Were there any conditions in the political context that made it possible for this law to be developed and adopted at the time that it was (i.e. a particular political party in power, a conflict/post-conflict situation, a recent ratification of an HR instrument, etc.)?

Yes ( ) No ( x )

If yes, please explain:

3. What actors were consulted and how were they consulted in the law’s development and formulation? Check all that apply, and, where possible, provide names of involved individuals, agencies, organizations, etc.

Legal Experts/scholars (please specify) (X) *Gender Equality Experts Council*

Government Ministries (X) [*Ministry of Justice*](http://www.vlada.si/en/about_the_government/ministries/ministry_of_justice/)*,* [*Ministry of Culture*](http://www.vlada.si/en/about_the_government/ministries/ministry_of_culture/)*,* [*Ministry of Foreign Affairs*](http://www.vlada.si/en/about_the_government/ministries/ministry_of_foreign_affairs/)*,* [*Ministry of the Interior*](http://www.vlada.si/en/about_the_government/ministries/ministry_of_the_interior/)*,* [*Ministry of Defense*](http://www.vlada.si/en/about_the_government/ministries/ministry_of_defence/)*,* [*Ministry of Economic Development and Technology*](http://www.vlada.si/en/about_the_government/ministries/ministry_of_economic_development_and_technology/)*,* [*Ministry of Finance*](http://www.vlada.si/en/about_the_government/ministries/ministry_of_finance/)*,* [*Ministry of Public Administration*](http://www.vlada.si/en/about_the_government/ministries/ministry_of_public_administration/) *and Municipalities, Office for National Minorities*

NHRI (X) *Human Rights Ombudsman*

NGOs/CSOs (X) *NGOs working in the field of non-discrimination, LGBT rights, rights of persons with disabilities, refugee rights etc., trade unions, Advocate of the Principle of Equality*

Other social groups (specify) ( ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*All actors were consulted during public consultations and inter-ministerial policy coordination.*

4. Was there opposition to the law?

Yes ( ) No (X)

If yes, please explain from whom and why, and how it was addressed:

5. Were there other laws that needed to be reformed in order to enact this law?

Yes ( ) No (X)

If yes, please list and explain:

6. Were any international human rights treaties or mechanisms referenced in the law’s creation?

Yes () No (X)

If yes, please list and explain:

*Since, in terms of content and purpose, this Act is a transposition of the relevant European Community directives into the Slovenian legal order, no human rights treaties or mechanisms were referenced in its creation.*

7. Did any international/regional/national human rights mechanism issue recommendations to the State in regard to amendment or formulation of this law, or regarding effective implementation? If yes, was this recommendation formulated prior, during or after the adoption of the law?

Yes (X) No ( )

If yes, please list and explain:

*UN Human Rights Council, Committee on the Elimination of Discrimination against Women (CEDAW), European Commission against Racism and Intolerance (ECRI), Human Rights Ombudsman, current Advocate of the Principle of Equality*

*This recommendation was formulated prior to the adoption of the law.*

8. What measures to support implementation were built into the law or developed immediately after (and as a result of) its passing? This could include such measures as budgetary and resource allocation, monitoring mechanisms, data collection, impact measurement mechanisms, independent monitoring, etc. Please list and explain, providing any relevant documents.

The adoption of the Act resulted in the establishment of a new *independent state body, the Advocate of the Principle of Equality, to be nominated within 6 months of the enforcement of the Act. In the first stage, the new body will employ four persons: the Advocate as the head of the body and three experts – public officials. In order to make the Advocate fully operational, administrative and technical support tasks will be provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities for two years after the enforcement of the Act.*

9. How was the law made accessible to the public? Did it include formal training on the new law for all stakeholders involved? Were specific groups of women targeted for these activities? Who was involved in these initiatives, and where did the funding come from? Please answer in detail.

*The Act was published in the Official Gazette of the Republic of Slovenia, on the ministries' websites and on the website of the Legal Information System of the Republic of Slovenia. No other initiatives were taken.*

10. Have there been any barriers to the law’s full and successful implementation?

Yes ( ) No (X)

If yes, please explain the barriers and how they were/are being addressed:

11. What kinds of roles are being carried out by civil society/women’s organizations in supporting the implementation and impact of the law? How are these activities being financed?

*In support of the implementation and impact of the Act, state bodies are obliged to cooperate with non-governmental organisations working in the field of equal treatment, protection of human rights and fundamental freedoms, protection against discrimination of vulnerable groups and legal or social assistance to persons who are discriminated against.*

*In accordance with the Act, non-governmental organizations working in the field of protection against discrimination and human rights protection have the right to take part in litigation proceedings initiated by discriminated persons. A representative of the NGO representing the discriminated person in litigation proceedings must pass the bar examination.*

*These activities are being financed either by the State or other funds such as European grants, Norway grants etc.*

**III. The impacts that the law has had for women on the ground**

1. Did the adoption of the law result in the creation of any policies?

Yes ( ) No ( X )

If yes, please list and explain:

2. Have court cases/decisions resulted from the law? Has this data been systematically collected? If so, please provide details about the number of cases, convictions, decisions made.

*Information not yet available*

3. What specific and measurable outcomes showing the impact of the law on society and on women’s enjoyment of their rights have been recorded as a result of the adoption and implementation of the law? How have these been monitored and by whom?

*Information not yet available*

4. Are there other impacts of the law that have been observed?

Yes ( ) No (X)

If yes, please list and explain what they are, as well as monitoring mechanisms used to observe and/or measure those impacts:

5. What mechanisms have been set up to review and assess the implementation of the law?

*The competent ministries, competent inspectorates and the Advocate of the Principle of Equality and the National Assembly are responsible for monitoring the implementation of the Act.*

6. Is there data on how the law has affected some groups of women differently (i.e. based on race, ethnicity, religion, social class, age, etc.)?

Yes ( ) No (X)

If yes, please explain the differential impacts and provide any relevant documents.

7. Has there been independent monitoring of the law?

Yes ( ) No (X)

Please provide information.