

ACT
ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN

I. GENERAL PROVISIONS

Article 1
(Aim of the Act)

(1) The aim of this Act is to define common grounds for the improvement of the status of women and the establishment of equal opportunities for women and men in political, economic, social, educational fields and other fields of social life (hereinafter: equal opportunities).

(2) The establishment of equal opportunities is a duty of the entire society and represents the elimination of obstacles to the introduction of gender equality, above all through the prevention and removal of unequal treatment of women and men as a form of discrimination in practice arising from traditionally and historically conditioned different roles within society, as well as the establishment of conditions for the introduction of equal representation of both genders in all fields of social life.

Article 2
(Contents of the Act)

In order to achieve its aims, this Act determines general and special measures for the establishment of equal opportunities, defines those responsible for tasks together with their competencies and obligations, establishes a special informal method of hearing cases of alleged unequal treatment of women and men as well as the institution of Advocate for Equal Opportunities as an authorised person for hearing such cases, and determines rights and duties of parties taking part in these cases.

Article 3
(Co-operation with social partners and non-governmental organisations)

The Government of the Republic of Slovenia (hereinafter: government) and competent ministries shall co-operate with social partners and non-governmental organisations active in the field of equal opportunities with a view to providing solutions and proposals for the achievement of the aims of this Act.

II. DEFINITION OF TERMS

Article 4 (Gender equality)

Gender equality means that women and men shall equally participate in all fields of public and private life and that they shall have equal status, equal opportunities for the exercise of all rights and for the development of their personal potentials by which they contribute to social development, as well as equal benefit from the results arising from development.

Article 5 (Equal treatment of women and men)

(1) Equal treatment of women and men means the absence of direct and indirect forms of gender based discrimination.

(2) Direct gender based discrimination exists if a person has been, is or could be treated less favourably in equal or similar circumstances than a person of the opposite gender.

(3) Indirect gender based discrimination exists if apparently neutral provisions, standards or treatment in equal or similar circumstances and conditions place persons of one gender in a less favourable situation, unless these provisions, standards or treatment are relevant, necessary and justified by objective facts not related to gender.

Article 6 (General measures)

(1) General measures are measures of a normative nature by which gender based discrimination is prohibited in laws regulating individual fields or specific behaviour or treatment is required in order to achieve equal treatment of women and men, as well as sanctions determined in the event of violation of such prohibitions or requirements.

(2) General measures are also measures of a political nature, above all the activities of the government and of the Office for Equal Opportunities aimed at establishing equal opportunities from the perspective of the individual and the general public, programmes of activities and development strategies for individual fields of social life stated in the National Programme for Equal Opportunities for Women and Men, national programmes for individual fields of social life and other political documents.

Article 7
(Special measures)

(1) Special measures are temporary measures aimed at establishing equal opportunities for women and men as well as promoting gender equality in specific fields of social life in which non-balanced representation of women and men or unequal status of persons of one gender is ascertained.

(2) Non-balanced representation referred to in the previous paragraph shall be given when the representation of one gender in a specific field of social life or in a part of such a field is lower than 40%.

(3) Special measures shall be used to remove objective obstacles that bring about a non-balanced representation of women and men or an unequal status of persons of one gender as well as to give special benefits in the form of incentives to the underrepresented gender or to the gender experiencing unequal status. These incentives must be justified and in proportion to the purpose of the special measure.

(4) Special measures shall include above all:

- positive measures that give priority, in the case of an equal degree of fulfilment of the prescribed standards and conditions, to persons of that gender which is underrepresented or which is experiencing unequal status, until balanced or equal representation is achieved,
- encouraging measures that provide special benefits or introduce special incentives for the purpose of eliminating non-balanced representation of women and men or unequal status on account of gender, and
- programme measures in the form of awareness-raising activities and action plans for the promotion and establishment of equal opportunities and gender equality.

III. ADOPTION OF SPECIAL MEASURES

Article 8
(Adoption of positive measures)

(1) Positive measures may be adopted in the fields of education, employment, professional life, public or political activity and elsewhere within the framework of specific fields of social life where reasons stated in Article 7 of this Act are given for their introduction.

(2) Positive measures may be adopted by state authorities in accordance with their structure and procedures, other bodies in the public sector, economic operators, political parties and civil society organisations.

(3) Bodies referred to in the previous paragraph shall provide positive measures within the framework of action plans for the promotion and establishment of equal opportunities, based on an analysis of the status of women and men within their field of work. An action plan shall specify the reasons for the adoption of positive measures, aims to be achieved by means of these measures, the commencement of the implementation of the measures, the method of monitoring as well as the cessation of the implementation and the supervision of the implementation of the measures.

(4) Action plans referred to in the previous paragraph shall be submitted to the Office for Equal Opportunities for preliminary approval before the commencement of the implementation of positive measures.

Article 9

(Adoption of encouraging and programme measures)

Encouraging and programme measures may be adopted on the basis of implementing documents of national programmes under this Act, as well as on the basis of internal documents of state authorities and other bodies in the public sphere, economic operators, political parties, civil society organisations or other bodies *mutatis mutandis* in relation to the nature and content of the field in which they are active.

IV. THOSE RESPONSIBLE FOR TASKS, THEIR COMPETENCIES AND OBLIGATIONS

1. National Assembly, government and ministries

Article 10

(National Assembly)

(1) The National Assembly of the Republic of Slovenia (hereinafter: the National Assembly) shall adopt a Resolution on the National Programme for Equal Opportunities for Women and Men.

(2) Taking into account actual possibilities, the National Assembly shall, to the greatest extent possible, respect the principle of balanced representation of women and men for the establishment of working bodies and the composition of delegations established in accordance with its Standing Orders.

Article 11
(Government and ministries)

(1) The promotion and establishment of equal opportunities in accordance with this Act is above all a duty of the government and its ministries which, within the framework of their respective fields of work, shall achieve the aims of this Act by means of appropriate general and special measures determined in this Act.

(2) In the course of the preparation of regulations and other measures that apply in the fields which are relevant for the establishment of equal opportunities, ministries shall take into consideration the gender equality perspective, work together for this purpose with the Office for Equal Opportunities and take into account its suggestions and opinions. Ministries must obtain the opinion and suggestions of the Office for Equal Opportunities with regard to proposals of laws and other documents relating to the fields of work that are important for the establishment of equal opportunities, before these proposals are submitted to the government for decision.

(3) The Office for Equal Opportunities and ministries, within the framework of their competencies, shall study and investigate other forms of gender based discrimination that represent an obstacle to the establishment of equal opportunities in accordance with this Act, as for instance violence arising from unequal gender relations, and take them into consideration in their measures intended to achieve the aims of this Act.

Article 12
(Special role of education and vocational training)

(1) Education on matters of gender equality shall be an integral part of the system of education and vocational training which, among other things, shall include the preparation of both genders for active and equal participation in all fields of social life.

(2) The ministries responsible for education and labour as well as other bodies and persons with competencies in the field of education and vocational training shall ensure equal treatment for women and men, especially with regard to the preparation, adoption and implementation of public programmes of education or vocational training, to the attestation of schoolbooks and teaching aids and to the introduction of organisational innovations and the modification of pedagogical and andragogical methods. They shall also establish, within the framework of their competencies, an appropriate system of measures for the elimination of established forms of unequal treatment of women and men.

Article 13
(Co-ordinators within ministries)

(1) Ministers shall appoint for their respective fields of work an official within the ministry who shall perform the duties of a co-ordinator for equal opportunities for women and men.

(2) The co-ordinator referred to in the previous paragraph shall be responsible for the implementation of duties within the competence of the ministry on the basis of this Act and shall co-operate for this purpose with the Office for Equal Opportunities.

Article 14
(Working bodies of the government and ministries)

(1) The government shall 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 its Standing Orders as well as with regard to the appointment or nomination of government representatives in state-owned enterprises and other public bodies, unless this is not possible for objective reasons.

(2) The obligation referred to in the previous paragraph shall also be binding on ministers with regard to the composition of expert councils established in accordance with the State Administration Act.

1.1. National Programme for Equal Opportunities for Women and Men

Article 15
(Contents of the national programme)

(1) The government shall submit to the National Assembly a proposal for a Resolution on the National Programme for Equal Opportunities for Women and Men (hereinafter: national programme) based on proposals submitted by ministries, the Office for Equal Opportunities, local communities, social partners, non-governmental organisations and other organisations of civil society, as well as individual experts.

(2) The national programme shall define basic equal opportunities policies and, in addition to compulsory contents prescribed for all long-term programme documents, determine in particular:

- aims and measures for the achievement of goals in individual fields of social life, above all in the fields of employment, social security and health care, education, family relations, violence against women and representation of both genders in public life;
- responsibility for the implementation of the measures referred to in the previous indent;
- the content and responsible bodies and persons for periodical plans for the implementation of orientations and tasks from the national programme in individual fields of social life (hereinafter: periodical plans);
- data which shall be collected, processed, linked, preserved, analysed and presented in a gender segregated manner within the framework of activities of the National Statistical Office, surveys or opinion polls;
- the method of monitoring and reporting on the implementation of the national programme;
- the approximate amount of funds for the implementation of measures from the national programme and the method of providing these funds.

Article 16 (Periodical plans)

(1) Periodical plans are implementing documents of the national programme that shall determine for a two-year period required activities in a specific field of social life.

(2) A proposal for each periodical plan shall be prepared by the Office for Equal Opportunities on the basis of reports on the previous two-year period and possible additional suggestions by individual ministries and shall be submitted to the government for adoption.

(3) Ministries shall forward the reports referred to in the previous paragraph to the Office for Equal Opportunities not later than two months before the expiration of each periodical plan.

Article 17 (Report on the implementation of the national programme)

Every two years the government shall report to the National Assembly on the implementation of the national programme. In its report it shall state the measures and activities that have been carried out in the past biennial period.

1.2. Office for Equal Opportunities

Article 18 (Duties of the Office)

(1) In addition to duties referred to in Articles 15, 16 and 19 of this Act, the Office for Equal Opportunities (hereinafter: Office) shall also perform the following duties in the field of the establishment of equal opportunities:

- monitoring the implementation of the provisions of this Act and regulations enacted on its basis;
- monitoring individual fields of social life from a gender equality perspective and proposing to the government and ministries the adoption or amendment of laws and other regulations, as well as the adoption of other measures;
- co-ordinating activities aimed at implementing gender mainstreaming, including providing professional assistance for the development of appropriate methods and techniques;
- co-ordinating the preparation of the national programme and monitoring its implementation;
- co-ordinating the preparation of national reports on the fulfilment of international obligations by the Republic of Slovenia in the field of equal opportunities;
- proposing initiatives for research and analyses required for the implementation of the national programme;
- co-operating with non-governmental organisations active in the field of equal opportunities and providing partial funding for their projects or activities;
- reporting to the government on a yearly basis, by the end of April at the latest for the past year, on the activities and findings of the Advocate for Equal Opportunities for Women and Men.

(2) Conditions and criteria for partial funding referred to in the seventh indent of the previous paragraph shall be determined by the government on the proposal of the head of the Office.

Article 19 (Duties of the Office with regard to positive measures)

(1) The Office shall give its approval to action plans referred to in the third paragraph of Article 8 of this Act if the introduction of positive measures is justified according to Article 7 of this Act.

(2) The Office shall monitor the implementation of positive measures in fields in which these are introduced. For this purpose it may require bodies that have introduced positive measures to submit a report on whether the positive measures are being implemented according to the action plan.

(3) The Office may recommend to bodies referred to in the second paragraph of Article 8 the introduction of positive measures in those fields of social life in which there is evident non-balanced representation of women and men or unequal status of persons of one gender.

1.2.1. Hearing cases of alleged unequal treatment of women and men and issuing opinions

Article 20

(Advocate for Equal Opportunities for Women and Men)

(1) An Advocate for Equal Opportunities for Women and Men (hereinafter: Advocate for Equal Opportunities) shall be employed by the Office in order to hear cases of alleged unequal treatment of women and men, to issue opinions with regard to provisions of this Act and to co-operate in the implementation of duties entrusted to the Office by this Act.

(2) The Advocate for Equal Opportunities shall be employed as a government official in accordance with the Civil Service Act and with conditions for performing work defined by the document on the internal organisation and systemisation of jobs within the Office.

Article 21

(Purpose of hearing cases)

(1) The purpose of hearing cases of alleged unequal treatment of women and men (hereinafter: hearing a case) shall be above all to reveal the existence of discrimination in individual fields of social life.

(2) Hearing a case shall be informal and free of charge.

(3) The Advocate for Equal Opportunities and other employees of the Office shall be bound by regulations on the protection of secrecy and personal data with regard to all information that they obtain while hearing individual cases.

Article 22

(Initiative for hearing a case)

(1) Individuals, non-governmental organisations, trade unions and other civil society organisations or other legal persons (hereinafter: initiator) may present to the Advocate for Equal Opportunities a written initiative for hearing a case.

(2) The Advocate for Equal Opportunities may also hear anonymous written initiatives if these include sufficient information for him/her to be able to hear the case.

Article 23
(Time limit for an initiative)

An initiative referred to in the previous article must be presented as soon as possible or at the latest within one year after the case has occurred, the Advocate for Equal Opportunities may however also hear it after the expiration of this time if he/she considers the matter to be of such importance that hearing it would be wise with regard to the aims of this Act.

Article 24
(Inappropriate initiatives)

The Advocate for Equal Opportunities shall not hear initiatives for which it is evident that there is no case of unequal treatment of women and men under this Act.

Article 25
(Hearing a case)

(1) Hearing a case shall usually be done in writing, the Advocate for Equal Opportunities may however invite the parties involved in the case to a hearing if he/she believes that this could be of assistance in clarifying the case.

(2) The Advocate for Equal Opportunities may request the opposing party to provide him/her with explanations in writing, within a fixed time limit, which would enable him/her to hear the case.

(3) If the opposing party does not provide the Advocate for Equal Opportunities with the requested explanations, the Advocate for Equal Opportunities shall issue his/her opinion on the basis of the information he/she has at his/her disposal.

Article 26
(Stopping the hearing of a case)

The Advocate for Equal Opportunities shall stop hearing a case at the request of an initiator if the latter is not interested in the further hearing of the case or if due to insufficient information he/she cannot carry on hearing the case and conclude it with an opinion.

Article 27
(Written opinion)

(1) At a conclusion of hearing a case, the Advocate for Equal Opportunities shall issue a written opinion in which he/she shall state his/her findings and assessment of the circumstances of the case with regard to the existence of unequal treatment of women and men in accordance with this Act and inform the parties to the case about it.

(2) In his/her opinion referred to in the previous paragraph the Advocate for Equal Opportunities may draw the attention to irregularities found and may recommend how these should be rectified, and may also call on the opposing party to notify him/her of its measures within a fixed time limit.

Article 28
(Request for an opinion)

An individual or a legal person may turn to the Advocate for Equal Opportunities with a request for an opinion on whether it will cause or has caused by any of its actions unequal treatment of women and men in terms of this Act.

Article 29
(Annual report)

The Advocate for Equal Opportunities shall prepare each year, by the end of March at the latest for the past year, a report on her/his activities that the Office shall submit to the government for adoption.

2. Local communities

Article 30
(Role of local communities in the achievement of the aims of the Act)

(1) Local government communities shall, within the framework of their competencies, promote and establish equal opportunities and take into consideration the gender equality perspective with regard to the adoption of measures and activities needed for the establishment of equal opportunities.

(2) Local government communities may appoint a co-ordinator for equal opportunities who shall take part in the preparation and implementation of the national programme referred to in Article 15 of this Act in the part which concerns local government communities, shall propose measures and activities in the field of

the establishment of equal opportunities and shall have a consultative role in the formulation of solutions in order to achieve the aims of this Act within the framework of an individual local community. In carrying out these duties, the co-ordinator for equal opportunities shall co-operate with the Office.

(3) When adopting development plans and other decisions, bodies of local government communities shall discuss proposed measures and activities submitted by co-ordinators for equal opportunities and give them appropriate consideration.

3. Political parties

Article 31 (Plan)

(1) Political parties that are included in the register of political parties shall adopt, every four years, a plan in which they shall adopt the position on the issue of balanced representation of women and men and, in accordance with this position, determine methods and measures for the promotion of a more balanced representation of women and men within the bodies of the party, on candidate lists for elections to the National Assembly and to bodies of local communities as well as for elections of the President of the Republic.

(2) Political parties referred to in the previous paragraph shall submit a plan to the Office within three months following its adoption.

4. Human Rights Ombudsman

Article 32 (Role of the Ombudsman with regard to the achievement of the aims of the Act)

The Human Rights Ombudsman shall especially endeavour, within the framework of his/her competencies in accordance with the Human Rights Ombudsman Act, to achieve the establishment of equal opportunities with regard to hearing cases in the field of legal protection of the right to gender equality as well as in reporting on his/her activities.

V. PENALTY PROVISIONS

Article 33

(1) A legal person shall be fined at least SIT 500,000 for a violation if it implements positive measures without the approval of the Office (fourth paragraph of Article 8).

(2) The responsible person of a state body, state organisation or body of a local government community shall be fined at least SIT 80,000 for a violation referred to in the previous paragraph.

Article 34

(1) A legal person shall be fined from SIT 100,000 to SIT 300,000 for a violation if it does not submit to the Office at its request a report on the implementation of positive measures (second paragraph of Article 19).

(2) The responsible person of a state body, state organisation or body of a local government community shall be fined from SIT 50,000 to SIT 150,000 for a violation referred to in the previous paragraph.

Article 35

A political party shall be fined at least SIT 300,000 for a violation if it does not submit to the Office the plan referred to in Article 31.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 36 (Proposal of the resolution)

The Government shall submit to the National Assembly for adoption a proposal of the Resolution on the National Programme for Equal Opportunities for Women and Men at the latest within one year after this Act takes effect.

Article 37 (Determination of criteria for respecting the principle of balanced representation of women and men)

The National Assembly and the government shall determine criteria for respecting the principle of balanced representation of women and men with regard to the composition of working bodies and the appointment and nomination of representatives referred to in Articles 10 and 14 of this Act, within one year after this Act takes effect.

Article 38 (Determination of criteria and conditions for partial funding of projects)

The government shall determine conditions and criteria referred to in the second paragraph of Article 18 of this Act within six months after this Act takes effect.

Article 39 (Commencement of the activities of the Advocate for Equal Opportunities)

The Advocate for Equal Opportunities shall commence his/her work in accordance with this Act at the latest within one year after this Act takes effect.

Article 40 (Appointment of co-ordinators)

Ministers shall appoint the officials who will perform the duties of co-ordinators referred to in Article 13 of this Act and notify the Office about their decision within three months after this Act takes effect.

Article 41
(Adoption of first plans)

Political parties shall adopt their first plan in accordance with Article 31 of this Act within one year or at their first Congress after this Act takes effect.

Article 42
(Entry into force of the Act)

This Act shall take effect on the fifteenth day after its promulgation in the Official Gazette of the Republic of Slovenia.

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