



REPUBLIC OF  
SLOVENIA



HUMAN  
RIGHTS  
OMBUDSMAN

## Written submission by the Human Rights Ombudsman of the Republic of Slovenia to CEDAW

January 2023

The Human Rights Ombudsman of the Republic of Slovenia (the Ombudsman) prepared this submission for the Committee on the Elimination of Discrimination against Women (CEDAW) for its consideration of the Seventh periodic report by Slovenia on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the reporting period 2016 - 2020.

The Ombudsman is a constitutional body mandated to protect and promote human rights in Slovenia, with status A awarded according to Principles relating to the Status of National Institutions. Its mandate includes monitoring, research, addressing opinions and recommendations to authorities, human rights education,<sup>1</sup> awareness-raising, and investigating complaints received by anyone who believes that their human rights or fundamental freedoms have been violated by state authority, local community authority, or a holder of public authority.<sup>2</sup>

In this submission, the Ombudsman tries to shed light on some of the issues still warranting improvement regarding the situation of women in Slovenia (also beyond the reporting period), focusing on those where the Ombudsman can provide input based on its past work or other available information, and trying to adhere to the set word limit of 3.500. This submission should not be taken as an exhaustive list of systemic problems related to the Convention.

### A. General information

1. On the Gender Equality Index for 2022,<sup>3</sup> prepared by European Institute for Gender Equality (EIGE), Slovenia scores 73.4 out of 100 points in gender equality in the domain of work, 83.9 in the domain of money, 56 in the domain of knowledge, 72.9 in the domain of time, 53.3 in the domain of power and 86.9 in the domain of health. With 67.5 out of 100 points, Slovenia ranks 12<sup>th</sup> on the Gender Equality Index in the EU, with 1.1 points below the EU's score. Since 2010, Slovenia's score has increased by 4.8 points. However, its progress has

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<sup>1</sup> Together with the Scientific Research Center Koper and primary schools in Ljubljana, the Ombudsman participates in the project REBOOT NOW - Prevention of gender-based violence in schools, which is financed by the European Commission within the framework of the Program for Citizens, Equality, Rights and Values. The Ombudsman also cooperates with the Center for Social Informatics of the Faculty of Social Sciences of the University of Ljubljana in the international project TRACeD, the purpose of which is to address gender-based online violence against girls and young women.

<sup>2</sup> When to turn to The Human Rights Ombudsman?, [https://www.varuh-rs.si/fileadmin/user\\_upload/pdf/zlozenke\\_nase/zlozenka\\_praviceANG\\_web.pdf](https://www.varuh-rs.si/fileadmin/user_upload/pdf/zlozenke_nase/zlozenka_praviceANG_web.pdf)

<sup>3</sup> The data for 2022 Index is mostly from 2020.

been slower compared to other Member States, resulting in a drop in its ranking by three places. Since 2019, Slovenia's score has worsened in the domain of health (-0.9 points) and the domain of knowledge (-0,6 points).<sup>4</sup>

2. According to Eurostat, the gender pay gap in 2020 was 3.1 per cent and decreased by 4.8 compared to 2019.<sup>5</sup> According to the Statistical Office of the Republic of Slovenia (SURŠ), the average gross salary in 2021 amounted to 2,165 EUR for men and 2,107 EUR for women. However, according to SURŠ, salary differences between men and women are in both sectors, regardless of education significant. In the public sector, employed men with tertiary education earned an average of 3,278 EUR gross per month, while women earned 2,780 EUR (with a pay gap of 15.2 per cent). In the private sector, the salary for both sexes was approximately 300 EUR lower. Men with high school education earned a 2,102 EUR gross salary in the public sector and 1,723 in the private sector compared to 1,766 EUR in the public sector and 1.511 EUR in the private sector for women. The salary difference between men and women with primary school education or lower was approximately EUR 200 in both sectors in favour of the former.<sup>6</sup>
3. In 2021, the at-risk-of-poverty rate in Slovenia was 11.7% (0.7 percentage points lower than in 2020). About 243,000 people in Slovenia lived below the at-risk-of-poverty threshold - 12.6 per cent of all women and 10.8 per cent of all men. According to age and gender, women over 59 have the highest risk of poverty at 19.5 per cent.<sup>7</sup>
4. At the last election to the National Assembly in 2022, 35 women were elected among 90 Members of the Parliament (38.8 per cent). At the local election in 2022, 13.7 per cent of all elected mayors were women. Among 20 elected Roma councillors (representatives of Roma in the municipal councils), four are female councillors.

## **B. Gender-based violence against women**

5. According to a survey done by SURŠ (with data from 2020), 22% of women and 16% of men experienced physical (including threats) or sexual violence since the age of 15. The survey showed that women experience repeated violence more frequently and that violence against women has more serious consequences. Three-quarters of victims of intimate partner violence are women. When it comes to violence outside the partnership, 51% of victims are women, and 49% are men. Just over 60% of victims speak about their experience with violence, most commonly with someone close to them. However, most violence remains unreported since victims seldom report it to the Police or other institutions.<sup>8</sup>
6. At the national conference on preventing and responding to violence against women in Slovenia in November 2022, the Minister of the Interior said that in Slovenia, the home is the most dangerous place for women, as femicide is the crime that most often causes them to lose their lives. According to data the Ombudsman received from the General Police Directorate of the Republic of Slovenia, five women were victims of femicide by their

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<sup>4</sup> <https://eige.europa.eu/gender-equality-index/2022/country/SI>

<sup>5</sup> [https://ec.europa.eu/eurostat/databrowser/view/SDG\\_05\\_20\\_\\_custom\\_3762084/bookmark/table?lang=en&book](https://ec.europa.eu/eurostat/databrowser/view/SDG_05_20__custom_3762084/bookmark/table?lang=en&bookmarkId=d4242cdf-8190-405f-b562-b46985c8c9be)

<sup>6</sup> <https://www.stat.si/StatWeb/en/News/Index/10570>

<sup>7</sup> <https://www.stat.si/StatWeb/en/News/Index/10400>

<sup>8</sup> More information available at: <https://www.stat.si/StatWeb/en/News/Index/10159>

intimate partner in 2019. In 2020, the Police dealt with ten intimate partner femicides. According to police data, six women were murdered in 2021, and the perpetrator was a family member in all cases. There is no national femicide watch in Slovenia. In April 2021, the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia informed the Ombudsman that establishing a national multidisciplinary body modelled on the Femicide Watch was not planned at the time. The Ombudsman is also unaware of any research explicitly aimed at analysing femicide or gender-related killings of women in Slovenia.

7. The Ombudsman believes that more attention should continuously be paid to effective research and documentation of the extent, causes, consequences, and signs of violence and obtaining reliable, comparative data that would lead to effective policies to prevent and eliminate the consequences of violence and enable the assessment of the effectiveness of the measures. In the context of domestic violence, it is necessary to explore the extent of violence against all, including children and the elderly and to pay due attention to people with disabilities, migrants and those living in Roma communities, etc.
8. The Ombudsman repeatedly recommends that the competent authorities should continuously provide training for its professionals (in social work centres, educational institutions, health care, justice, and the Police) to make sure that the victims of violence receive appropriate help.
9. The Ombudsman would also like to point out that there is no special crisis referral centre in Slovenia for victims of rape or sexual violence which would perform a medical and forensic investigation and provide trauma assistance and counselling to the victims (in line with Article 25 of the Istanbul Convention).
10. Regarding the right of victims of deliberate acts of violence and their relatives to submit a claim for state compensation to the Ministry of Justice under the Crime Victim Compensation Act (mentioned in paragraph 105 of the state report), the Ombudsman would like to point out that despite its repeated recommendations the right to state compensation is (still) limited only to Slovenian citizens and citizens of the European Union.
11. According to SURS, almost a third of ever-working women (31.7%) experienced sexual harassment at work. Women aged 18–29 years are the most vulnerable regarding exposure to sexual harassment at work and stalking. The former has been experienced by one in two women and the latter by one in four.<sup>9</sup>
12. In the Memorandum on freedom of expression and media freedom in Slovenia, the Council of Europe Commissioner for Human Rights, Dunja Mijatović, in July 2021, expressed particularly grave concern about sexist harassment of female journalists, which represents not only an affront to their human dignity but also a serious impediment to their full participation in the field of journalism. She warned that female journalists in Slovenia are subjected to misogynistic abuse. They are the victims of sexually explicit insults or personal attacks suggesting subordination to their husbands and targeting members of their families. Female journalists reported offensive comments based on their age or physical appearance, frequent insults referring to prostitution, and even rape or death threats. They stressed that these sexist attacks are profoundly humiliating and deeply distressing and

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<sup>9</sup> <https://www.stat.si/StatWeb/en/News/Index/10283>

sometimes make them fear for their physical safety. Prominent politicians and public figures were also among those using sexist speech.<sup>10</sup>

### C. Gender (in)equality and violence against women in a time of Covid-19

13. According to EIGE, in 2021, three times as many women as men had sole responsibility for childcare in Slovenia. Despite being less pronounced than in the other EU countries, gender disparities in household task division persisted. In 2021, 55% of women and only 11% of men reported carrying out household chores completely or mostly by themselves.<sup>11</sup>
14. In the survey done by the Slovenian NGO Gender Equality Research Institute (Inštitut za proučevanje enakosti spolov – IPES), *The atmosphere in intimate partner relationships and families during quarantine and uncertainty (2020)*<sup>12</sup>, almost 65% of the respondents expressed that the quarantine caused an increase in domestic violence and in intimate partnerships. 9% of all respondents answered that they experienced (at least) one form of violence during that time. Answers to the question of who does most of the cooking, tidying, cleaning, helping with home-schooling and taking care of the sick and older members of your family showed that in 43% of the cases, women were the ones doing most of this work. Half of the answers stated that work was evenly distributed among both partners. 35% of respondents agreed that women should spend more time on household chores than men. 89% of all respondents in the survey agreed that there is too little talk about violence in Slovenia, and 73% agreed that violence is common in Slovenia.
15. In the Flash Eurobarometer *Women in times of COVID-19*,<sup>13</sup> 47% of women in Slovenia answered that they totally or somewhat agree that the pandemic negatively impacted their work-life balance. 46% also answered that they totally or somewhat agree that the pandemic had a negative impact on their income. 83% of women thought that the COVID-19 pandemic has led to increased physical and emotional violence against women in Slovenia.
16. In June 2020, the Ombudsman inquired regarding the availability and accessibility of helplines and shelters for women victims of domestic violence during the epidemic. During the lockdown, the helplines were available, some 24 hours, seven days a week. Shelters and crisis centres remained open and available throughout the epidemic. However, NGOs and social work centres running the shelters or crisis centres reported numerous challenges during the COVID-19 lockdown. The courts continued to hear cases in "urgent matters" concerning the violence against women.

### D. Trafficking in women

17. In 2021, the Police dealt with 42 crimes of trafficking in human beings, which, compared to the previous year, shows an increase (from 29 in 2020 and 13 in 2019). Among 40 victims,

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<sup>10</sup> <https://rm.coe.int/memorandum-on-freedom-of-expression-and-media-freedom-in-slovenia/1680a2ae85>

<sup>11</sup> <https://eige.europa.eu/gender-equality-index/2022/country/SI>

<sup>12</sup> IPES, *Vzdušje v intimno-partnerskih odnosih in družinah v času karantene in negotovosti (2020)*, <https://onedrive.live.com/?authkey=%21AEpVlv150%2D4qgm4&cid=EBEBF9B1EABAC0F7&id=EBEBF9B1EABAC0F7%214086&parId=root&o=OneUp>

<sup>13</sup> Interviews done: 25.01 - 02.03.2022, <https://europa.eu/eurobarometer/surveys/detail/2712>

39 were women. All victims were exploited for prostitution and sexual abuse, and the majority were citizens of the Dominican Republic(18).<sup>14</sup>

18. According to the data that the Ombudsman received from the Ministry of the Interior, from 24 February to the end of October 2022, the Police dealt with five cases of alleged human trafficking in which the victims were citizens of Ukraine. In two cases, based on the collected information and evidence, the Police determined no basis for criminal charges. In three cases, the Police continued to collect information.<sup>15</sup> The Police and the NGOs warned that Ukrainian refugees could become victims of trafficking in human beings due to their vulnerable situation. Some NGOs expressed their concern to the Ombudsman that no one knows what is happening with those living in private accommodations.
19. According to information received from the Government Office for the Support and Integrations of Migrants in June 2022, the PATS programme (Assistance and protection of victims of trafficking human beings) to identify potential victims of trafficking in human beings among the applicants for international protection was at that time not carried out in full extent due to lack of capacities.
20. In September 2021, the Specialised public prosecutor's office of the Republic of Slovenia shared with the Ombudsman its observations that the courts are highly unfavourable to the subject of trafficking in human beings. According to their observations trafficking in human beings is recognised only when the perpetrators use physical violence, restrict freedom of movement, confiscate personal documents, and restrict the use of e-communications. The fines are allegedly also low, mainly at the lower minimum. Furthermore, court practice is not set. According to the Specialised public prosecutor's office, courts pass different judgements in essentially the same situations.
21. According to the Slovenian Foreigners Act (ZTuj-2), victims of human trafficking are entitled to emergency health care based on a detention permit or a temporary residence permit in accordance with the law governing health care and health insurance. The Ombudsman criticised the current legislation and recommended the Ministry of Health to prepare the necessary legislative changes. While Ombudsman's recommendation was not yet fulfilled, the Ministry of Interior notified the Ombudsman in 2021 and 2022 that despite legal and formal shortcomings in the care of vulnerable groups, comprehensive treatment and medical care for victims of human trafficking is provided when needed on a case-by-case basis.<sup>16</sup>
22. Since 2020 the Ombudsman recommended that the authorities establish a national rapporteur for the fight against trafficking in human beings within the Office of the Ombudsman and to provide personnel, departmental and financial resources.<sup>17</sup>

## E. Rural women

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<sup>14</sup> Reports of the Interdepartmental Working Group for the fight against human trafficking for the years 2019, 2020 and 2021, <https://www.gov.si/zbirke/delovna-telesa/medresorska-delovna-skupina-za-boj-proti-trgovini-z-ljudmi/>.

<sup>15</sup> A total of 6,288 displaced persons from Ukraine applied for temporary residence in the Republic of Slovenia from 24 February 2022 to 31 October 2022 inclusive.

<sup>16</sup> More in Ombudsman's Annual Report for 2020, pages 161 – 170, [https://www.varuh-rs.si/fileadmin/user\\_upload/pdf/lp/LP\\_2020/Annual\\_Report\\_2020.pdf](https://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2020/Annual_Report_2020.pdf).

<sup>17</sup> Ibid.

23. A survey done in 2022 by Gender Equality Research Institute - IPES on gender equality in rural areas<sup>18</sup> showed that tasks related to the care of the home (cleaning, tidying and cooking) in the countryside remain firmly in the domain of women. While almost half of the men (48%) devote less than one hour a day to these forms of work, and 17% of men do not do these tasks at all, more than 80% of women devote two to four hours a day to these tasks. Almost half of all surveyed women (47%) who participated in the survey expressed feeling overloaded with their tasks and responsibilities. Half of all respondents agreed that men could not be expected to be involved in raising and caring for children in the same way as women, as this is more in the domain of women. The survey showed widespread violence in rural areas; 43% of all respondents noticed at least one type of violence in their surroundings in the six months before the survey, twice as high against women than men. In addition, the analysis showed a high tolerance for psychological violence. 35% of male and 38% of female respondents believe that shouting, insults and threats are not considered violence. The research also showed a lack of knowledge of organisations that provide help to victims of violence in times of need and a strong agreement that resources of help available to victims of violence in rural areas are insufficient. 67% of all respondents (and 75% of all women respondents) believed there are not enough such resources available in rural areas.

## F. Deprived groups of women

### Roma women

24. The Ombudsman has been repeating (mostly unsuccessfully) the same recommendations regarding improving the human rights of members of the Roma community for years. Ombudsman's recommendations focus on access to water, sanitation, and electricity; legal and communal regulation of settlements; adoption of detailed municipal sectoral programs; and data collection on equality and inclusion and performance in schools and employment.
25. Most Roma in southeast Slovenia live in segregated Roma settlements, frequently lacking basic living conditions, including access to drinking water, sanitation and electricity. The lack of water and sanitation particularly affects Roma women, who bear the responsibility of washing and cleaning children and clothes and struggle to find privacy for their hygiene and sanitation needs.
26. The Ombudsman regularly draws attention to the close connection between living conditions for children with school performance and (later) employability. The Ombudsman's inquiry about the schooling of Roma children during the first wave of the epidemic indicated that numerous Roma children face deprivation and special challenges and are in an explicitly poor and comparably worse situation than other students, not only during distance learning measures during the epidemic but in general.<sup>19</sup>

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<sup>18</sup> The research was carried out as part of the TERA project (Development of a Comprehensive Approach for Enhancing Work-Life Balance of Professional and Private Life in Rural Areas, Based on the Establishment of Multi-Stakeholder Regional Systems and Local Partnerships), financed by EEA Norway Grants 2014-2021 and Government Office for Development and European Cohesion Policy. 707 persons who live in the countryside participated in the research by answering an anonymous survey.

<sup>19</sup> More in the Ombudsman's Annual report for 2020, pages 232 – 234, [https://www.varuh-rs.si/fileadmin/user\\_upload/pdf/lp/LP\\_2020/Annual\\_Report\\_2020.pdf](https://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2020/Annual_Report_2020.pdf).

27. The Ombudsman would also like to draw attention to the worrying data on the health of the Roma. The research published by the National Institute of Public Health in 2018 showed that the average life expectancy for Roma men is 48 years and 63 years for women, which is, on average, almost 20 years less than the general population of Slovenia (with an average life expectancy of 77 years). Roma's share of premature mortality is 69 %, significantly higher than the average for Slovenia, 19 %. The research also showed that the mortality rate of Roma children from the age of one to the age of five is seven times higher compared to children of the same age in the entire population, that Roma women have a very high rate of hospitalisations due to conditions related to pregnancy, childbirth and the postpartum period (16 times higher than entire population), and that Roma have a higher rate of hospitalisations due to respiratory diseases, infectious and parasitic diseases, circulatory and gastrointestinal diseases. The Institute concluded that the health of Roma in Slovenia is generally affected mainly by socio-economic factors such as unsuitable living conditions, low level of general and health literacy, multigenerational unemployment, poverty, multiple disadvantage and social exclusion.<sup>20</sup>
28. GREVIO noted in its Baseline report on Slovenia in 2021 that »despite the specific criminal provision on forced marriage, concerns have been expressed in relation to its enforcement by law enforcement agencies. GREVIO wrote that there seems to be a tendency to consider forced marriage as a cultural practice, prevalent mostly among the Roma community, which does not necessarily entail the state's responsibility to act. This may explain why there have been no convictions for forced marriage in Slovenia since the introduction of the offence in 2015. Another reason is the reluctance shown by girls from the Roma communities to report forced marriage, mainly because of fear and lack of information about the available remedies.<sup>21</sup>
29. In 2022 the Ombudsman inquired with all centres for social work whether they noticed cases of forced marriages in 2021. Centres answered that no such cases came to their attention. However, some pointed out the occurrence of so-called early marriages or escape of minors into harmful environments, extramarital unions of minors and pregnancies of minor girls that occur primarily in Roma communities.
30. Ombudsman recommended the authorities give adequate attention to identifying the exposure to sexual violence, domestic violence, forced marriages or other traditional practices harmful to women and the help-seeking behaviour of Roma women.

### Migrants, refugees and asylum seekers

31. Since June 2018, following a growing number of allegations about the illegal returns of migrants to Croatia, the Slovenian Ombudsman started conducting unannounced visits to police border stations to monitor procedures involving migrants. The Ombudsman's investigations found several violations, including a lack of individual examination, inadequate documenting of the procedures, and obstruction of access to the asylum procedure. Since late 2021 the police procedures have apparently improved (particularly regarding access to asylum procedures). However, one problem that persists is that

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<sup>20</sup> [https://www.nijz.si/sites/www.nijz.si/files/publikacije-datoteke/javnozdravstveni\\_pristopi\\_romi.pdf](https://www.nijz.si/sites/www.nijz.si/files/publikacije-datoteke/javnozdravstveni_pristopi_romi.pdf).

<sup>21</sup> GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Slovenia, adopted in June 2021, published in October 2021, paragraphs 89 and 90, <https://rm.coe.int/first-baseline-report-on-slovenia/1680a4208b>.

migrants apprehended at the border are returned to Croatia and other neighbouring countries by the Slovenian authorities without being issued a written decision, thus having no access to legal remedy to challenge their return or transfer.<sup>22</sup>

32. Asylum Home in Ljubljana – Slovenia's main asylum reception facility – was severely overcrowded in the first half of 2022 (up to 700 persons in a facility established for 230). While most of the inhabitants were single men, it also included several single women, families and unaccompanied children (who were accommodated in separate sections of the facility yet still in considerable contact with the others). The Ombudsman found that the overcrowded conditions did not meet the required minimum material reception standards. This affected all accommodated persons; however, even more, the listed vulnerable groups due to their special needs and not being completely separated from single men. Since around June 2022, vulnerable groups are no longer accommodated in the Asylum Home in Ljubljana. Most of them are accommodated in the Reception Centre Logatec, where the conditions are more appropriate. However, one shortcoming detected during the Ombudsman's visit in June and September 2022 was that some of them were accommodated in containers that were too small (6 m<sup>2</sup> x 2,4 m<sup>2</sup>) for the number of inhabitants (up to 8 family members).
33. The Ombudsman noted severe delays in processing third-country nationals' applications for residency permits. In 2022 the Ombudsman received 39 complaints related to this issue and assessed the majority of them as well-founded. The procedures in front of responsible Administrative Units often take several months, up to a year, or even longer, violating the parties' procedural rights in administrative procedures. This issue also affects foreign women trying to obtain residency on the grounds of family reunification.

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<sup>22</sup> More information in the National Report on the situation of human rights of migrants at the borders prepared by the Ombudsman and the European Network of National Human Rights Institutions in July 2021, <http://ennhri.org/wp-content/uploads/2021/07/Slovenian-National-Report.pdf>