

The issues of human relationships and inequalities between women and men came increasingly to the fore of attention in the 20<sup>th</sup> century and became a focus of the practical political regulation. Inequalities in treating women and men and inequalities in opportunities, which are no longer the exclusive concern of the Scandinavian countries and enthusiastic feminists, became one of the key development problems, whose elimination is now at the centre of efforts of various international organisations (the UNO in particular) and other associations (the Council of Europe, the EU etc). These ongoing and systematic efforts have resulted in the introduction of new legal instruments, strategies and methods whose aim is to achieve true equality between women and men, while they now also incorporate monitoring and mandatory reporting procedures concerning policy implementation and realisation of the set goals. International institutions (UNO, Council of Europe etc) have developed special reporting systems. Like other signatories to the conventions, post-socialist countries are finally committed to the systematic monitoring of the position of women and men.

In the 1970s, the realisation that the general principles of **gender equality** – equality in recognition, power and representation of women and men in all areas of life – is more an opposition to inequality than differences between genders prompted the international community to seek more appropriate mechanisms to implement the principles of gender equality. It became clear that formulating and developing appropriate policies and providing legal bases for their implementation are crucial for putting gender equality into practice, leading to actual changes in practice, reformulating existing relationships between genders and transforming the division of roles in society. The **European Union** responded to this challenge by formulating an **equal opportunities policy**, which is founded on Article 119 of the Treaty of Rome (signed in Rome, it came into force in 1958). In 1981, an advisory committee was set up under the European Commission to prepare the **Community Framework Strategy on Gender Equality** (the Strategy for 2001-2005 is currently in force). This Strategy is based on the recognition that equal opportunities can only be put into practice if this goal is integrated into the main course of political action in both the EU and each member-state. The EU calls on its members to define goals, timetables and ways of promoting gender equality through policies and appropriate legislation, allocate responsibilities, and introduce mechanisms for ongoing monitoring of the effectiveness of these policies and possible recommendations for (structural) changes. To this end, the EU **passed a number of directives and less binding documents** which commit member-states to equally treating women and men, especially in the labour market. The **Treaty of Amsterdam** (1997) introduced a new initiative which sets the equality between women and men as an explicit priority of the EU, while stating that member-states must undertake all activities to eliminate any kind of barriers. Realisation of this principle – a complex creation of conditions which help stimulate equality between women and men in practice – differs from country to country. These principles are incorporated in the *acquis* through directives, thereby committing the acceding countries to transpose the equality principle into their national legislation. An additional incentive to implement this principle is an **EU directive**, which is still being drafted, covering areas beyond the labour market. However, this directive underwent a number of adverse changes and interventions even before entering the formal adoption procedure. Out of the many proposed areas, the draft directive only keeps the principle of equal access of women and men to goods and services.

**Post-socialist countries** began to deal (more) systematically with the issue and policy of equal opportunities in the mid-1990s as they prepared for the Fourth World Conference on Women (Beijing, 1995). Before that, in most post-socialist countries, including Slovenia, the prevailing and generally accepted perception of gender equality was that all had already been achieved in the former political system and that equality between women and men was fully established. The United Nations' Beijing conference was the first one to attract the active participation of these countries. Before the conference, **Slovenia** applied the principle of equality between women and men through its Constitution and ratified international agreements, while most laws were written in a gender-unbiased way (so as not to cause discrimination). Nevertheless, in everyday practical life it turned out that this legal framework is insufficient to provide genuine equality between women and men. Despite the changes in relationships between women and men, there were growing concerns about the existence of so many (more or less hidden) forms of sexism – a system of beliefs, patterns and actions based on the gender division – and related discriminatory practices. Namely, the processes of (re)producing gender-biased patterns were gradually routinised and started to seem natural. Slovenia's legislators were convinced fairly easily and without much procrastination by the existing legal framework in the EU of the necessity to pass a special law to regulate the area of equal opportunities between women and men. By passing the Labour Relations Act, Parental Care and Family Relations Act, and Equal Opportunities Act, Slovenia harmonised its legal system in the area of equal opportunities with that of the EU.

The **Equal Opportunities Act** (EOA) prepared by the Equal Opportunities Office came into force on 20 July 2002 so Slovenia has joined the group of countries where the equal opportunities principle is regulated by a

special law and where equality between women and men is institutionally ensured. The EOA is a general act defining guidelines and providing the foundation for laws regulating particular areas: systematically, it gives definitions of notions such as gender equality and equal opportunities, while clearly defining direct and indirect forms of discrimination based on sex. The Act introduces both general and specific measures which can be taken to achieve the desired changes in eliminating differences in treating women and men and ensuring equal opportunities. **General measures** include measures that should be further defined in other acts and political documents. Laws regulating particular areas should define the prohibited forms of discrimination as well as provide sanctions against these prohibited acts. For example, the Labour Relations Act prohibits discrimination in hiring and during employment, while Article 45 prohibits sexual harassment (the reverse burden of proof introduced by this article is a new provision in the legislation of Slovenia as well as other countries). **Special temporary measures** aim to create equal opportunities and promote gender equality in areas where women and men are disproportionately represented or find themselves in unequal positions; the EOA introduces positive, stimulating and programme measures. In order to take positive measures (when women and men meet the given criteria in equal terms, preference is given to the less represented gender), the Act envisages a special procedure – the mandatory preparation of an **action plan** – as well as sanctions (fines) in the case of any failure to implement these measures. Following the EU's efforts to change the structure of society, unequivocal demands were laid down to democratise government institutions. An important stance, for example, is that establishing a ministry or a government office for this purpose is inadequate to realise the principle of equal opportunities and that the existence of these institutions does not absolve others from acting in the same way. So the EOA clearly defines institutions responsible for a particular task, their authority and obligations. In addition to the established institutions (the government, ministries, Equal Opportunities Office, Ombudsman, local communities etc), the **advocate of equal opportunities for women and men** is introduced by law. Authority conferred on the Equal Opportunities Office involves the informal handling of individual cases of alleged discrimination, which should be carried out by the advocate of equal opportunities employed by the Office. The advocate should handle cases brought before them free of charge and issue non-binding opinions about unequal treatment. This is primarily intended to detect cases of unequal treatment of women and men and make this problem known to the general public, while drawing the government's attention to the necessary systemic changes. The **co-ordinator** should also be introduced to help perform tasks imposed on a ministry by law. Since women's exclusion from political activity is a burning issue in all post-socialist countries, the EOA requires political parties to adopt an action plan presenting their opinions on the balanced representation of women and men and defining ways and measures to promote the balanced representation of women and men in party bodies and candidate lists.

The **EOA** deals with those aspects of life which are important for equal opportunities, however, it only makes explicit reference to some of them. Rather than using one-off measures and activities to create equal opportunities and promote gender equality, the act **introduces a holistic approach** whose aim is to achieve sustainable development in the area of gender equality and contribute to building a society where the skills and potential of both women and men are exploited. Changes during transition showed that no right is so established and/or institutionally protected that can be taken for granted or considered permanent. However, since the EOA is written in a relatively abstract way, the activation of rights and responsibilities is called into question. While the Act may be a prerequisite for practical changes, it gives no guarantee that these changes will in fact be introduced. Namely, the process of moving from the principle of equal rights to the equality principle is long and complex. Nevertheless, the EOA provides an important developmental shift, together with the emerging **anti-discrimination act**. Like many other acts passed in the process of harmonising legislation with the *acquis*, the **EOA faces a number of difficulties in its implementation**. Even though the EOA prescribed a timetable for putting provisions into practice, the institutions of advocate and co-ordinator are still not operational after one and a half years. If we look for the reasons for this implementation gap, we cannot ignore the fact that the Equal Opportunities Office, the same as some other offices affected by the process of streamlining the state administration, has faced a number of difficulties relating to its status and existence. In spite of this, the concepts and provisions laid down by law must be accompanied by mechanisms that stimulate the implementation of these provisions and realisation of rights. The Act introduces a number of new issues, however, it is not accompanied by the necessary promotional tools to make people aware of their rights and responsibilities. Further, there is a lack of training for people who can cause discriminatory practices and those who should deal with the abolition of these practices (law courts), while media coverage has been inadequate. Implementation of this Act reveals that the policy of promoting gender equality, especially efforts to provide additional funding necessary for its implementation and the implementation gap, remains a weak element of national mechanisms to promote equal opportunities and the equal treatment of women and men. Passing a law is not enough since this does not make routinised discriminatory practices a thing of the past.