
Warsaw, 14 May 2026
Opinion-Nr: GEND-SLO/568/2026 [TN]

OPINION ON THE ACT ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN (ZEMŽM) OF SLOVENIA

SLOVENIA

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Based on an unofficial English translation of the Act.



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EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

The right to equality and to be free from discrimination is a fundamental element of international human rights law and is enshrined in a number of international instruments and OSCE human dimension commitments. It guarantees women and men in all their diversity the equal recognition, enjoyment and exercise of all human rights and fundamental freedoms and equal opportunities in all areas of public and private life, including the political, economic, social, cultural, civil, domestic or any other fields. Gender equality should go beyond formal equality to also improve the *de facto* position of women (substantive equality) in all areas of life but also to address prevailing gender relations and the persistence of gender-based stereotypes (transformative equality). National legislation should provide for effective legal means for protecting and respecting the right to equality and to be free from discrimination and promoting gender equality in accordance with the rights and principles enshrined in international conventions.

The legal framework for equality and non-discrimination in Slovenia comprises a constitutional right to equality before the law, a general anti-discrimination legislation (namely the Protection Against Discrimination Act – hereinafter the “PADA”), a dedicated gender equality law (namely the Act on Equal Opportunities for Women and Men under review, hereinafter the “Act”), and relevant sectoral laws. While the present Opinion focuses on the Act and the Act’s title and statement of purpose suggests a broad approach, the substantive scope and actual content of the Act appear comparatively much narrower, focusing primarily on equal representation and institutional mechanisms. In this respect, any reform initiatives aimed at strengthening the legal framework for gender equality should adopt a more comprehensive and substantive approach. This would entail reviewing the entire legal framework on gender equality and non-discrimination, including the Act, the PADA and other relevant legislation impacting all fields of public and private life.

The stated aim of the Act is the improvement of the position of women and to create equal opportunities for women and men in all areas of social life. It requires the Government and all ministries to integrate gender equality into policy planning, design and implementation. To support this, each ministry must appoint a coordinator for equal opportunities for women and men, responsible for the implementation of actions within the competence of the ministry. The Act also establishes the principle of balanced gender representation in central and local government bodies (Article 14 and 30.a) and parliamentary bodies (Article 10), regulates the use of temporary special measures (Article 7), and requires the adoption of a national programme for equal opportunities for women and men (Article 15).

While the Act provides some institutional foundation for advancing gender equality, its emphasis remains largely on formal equality and balanced representation in government and parliamentary bodies. It should adopt a more comprehensive approach to also improve the *de facto* position and the real-life disadvantages faced by women (substantive equality) and to address prevailing gender relations, social norms and gender-based stereotypes that perpetuate inequality (transformative equality). In addition, it focuses mainly on a relatively limited number of public institutions and of sectors, while many of its provisions remain general in nature and could benefit from further elaboration. Expanding its scope beyond central institutions, including by strengthening its application across local self-government and other sectors of society is recommended, insofar as the promotion of gender

equality is not already adequately mainstreamed through applicable sectoral legislation. Indeed, more systematic coverage of additional sectors – although this may require amendments of the relevant legislation – such as information and communication technologies, defence and security, environment and natural resource management, and the media, to cite a few – would help ensure a more comprehensive approach to advancing gender equality across all areas of life. At the same time, the inclusion of more practical and targeted measures would support more effective implementation and clearer, measurable results.

Furthermore, although the Act incorporates some elements of gender mainstreaming, it does not establish a sufficiently comprehensive framework in this regard. In particular, the Act lacks a general obligation applicable to all public institutions to integrate gender considerations in their decision-making processes, and does not elaborate concrete tools and mechanisms to ensure effective and systematic implementation of gender mainstreaming.

The Act also identifies institutions and bodies responsible for its implementation and for achieving gender equality more broadly. While the Act assigns important policy, co-ordination and monitoring functions to various executive bodies across different levels of government, it does not sufficiently regulate key aspects of this institutional framework. In particular, the Act provides no or limited guarantees regarding decision-making powers and procedures, co-ordination and co-operation mechanisms between institutions, the allocation of adequate financial and human resources, and the need to strengthen gender equality expertise across the public administration and state institutions. These elements are core requirements under international standards and are critical for establishing an effective gender equality institutional infrastructure.

Finally, the Act does not provide for enforcement powers, accountability mechanisms, or legal consequences in cases of non-compliance with its obligations, which may impair its effective implementation.

Revising the Act at this stage offers a valuable opportunity to align it with the latest recommendations of the CEDAW Committee on Slovenia and to incorporate specific, evidence-based measures that have proven successful in other countries, while also considering amending more comprehensively the legal framework, including sectoral legislation, to introduce practical and targeted measures in all spheres. In this context, consideration could be given to initiating a comprehensive review of the legal framework for gender equality and non-discrimination – including the Act, the PADA and other relevant legislation – with a view to ensuring coherence and consistency among these laws and to mainstreaming the promotion of gender equality throughout all areas of public and private life. ODIHR stands ready, upon request, to support Slovenian authorities in this respect.

More specifically, and in addition to what is stated above, ODIHR makes the following recommendations to ensure the Act's compliance with international human rights standards and OSCE commitments:

A. Regarding the scope of the Act and its approach towards gender equality:

1. To consider redrafting the statement of purpose of the Act to ensure that substantive and transformative equality is established as a key objective, while specifying that it applies to all areas of public and private life and is a responsibility of all public and private actors, and taking due account of

intersectional inequalities – noting that this would require that corresponding operative provisions are appropriately elaborated in the Act; alternatively, if the purpose of the Act is to remain limited to ensuring equal representation in government bodies and setting up institutional mechanisms, this should be made clearer and more explicit in the statement of purpose including by considering specifying the objective of achieving parity in decision-making systems within a clear timeframe; [para. 36]

2. To broaden the definition of gender equality in Article 4 of the Act to encompass men and women in all their diversity, and to include the principles of substantive and transformative equality, with a view to ensuring equitable outcomes and addressing structural inequalities, remedying systemic disadvantages, and challenging the social norms and gender-based stereotypes that perpetuate inequality; [para. 43]

B. Regarding general and special measures to achieve gender equality:

1. To ensure that the Act or other relevant laws already include specific general and special temporary measures, or at minimum, elaborate the objectives, guiding principles, minimum content and areas of interventions, where such measures are to be defined, and/or further elaborated and operationalized by the Government, while providing for mechanisms and procedures for effective parliamentary oversight and scrutiny of measures adopted by the government; [para. 48]
2. To consider expanding the range of entities that may adopt general and special measures; [para. 48]
3. To replace the threshold of at least 40% to refer instead to fifty-fifty parity; [para. 50]

C. To supplement the Act by requiring all public institutions to mainstream gender in their internal setup and processes as well as in their decision-making processes when planning, designing, and implementing policies, laws, other legal acts, decisions and programmes, while obliging that draft policies, laws and governmental and ministerial decrees be accompanied by gender impact assessments with effective mechanisms for returning the drafts that do not fulfil such a requirement; and elaborating other adequate tools and mechanisms – such as gender-responsive budgeting, inclusive public consultations, gender audits, and gender-sensitive legal drafting – to support effective and systematic implementation of gender mainstreaming; [paras. 54-62]

D. Regarding the institutional mechanisms for gender equality within the executive branch (IMGE):

1. To consider elevating the institutional placement of central co-ordinating body responsible for equal opportunities in order to strengthen its co-ordinating and oversight role across all sectors, while assessing whether an inter-ministerial co-ordination structure should be set up in which case a precise demarcation and identification of the responsible bodies, their respective roles and responsibilities, composition, modalities of appointment, and responsibilities, as well as modalities of co-operation and co-ordination should be elaborated in the Act; [paras. 79 and 83]
2. To grant adequate decision-making powers to executive authorities which are part of the IMGE, elaborating decision-making procedures, granting enforcement powers and accountability mechanisms to the central co-

- ordinating body responsible for equal opportunities for cases of non-compliance by public authorities; [para. 82 and 84]
3. To provide guarantees for the allocation of adequate financial and human resources, and tasking the central co-ordinating body responsible for gender equality to strengthen gender equality expertise within the IMGE and across the public administration through capacity building, development of tools and awareness raising; [paras. 81 and 86]
 4. To consider further elaborating in the Act (or other relevant sectoral legislation) practical and targeted sectoral measures, with corresponding measurables and timebound objectives, tailored to the specificities of different sectors, to be implemented under the responsibility of the respective ministries and public bodies. [para. 85]
- E. Regarding the involvement of social partners, civil society organizations and the media:
1. Unless already regulated in the Government's Rules of Procedure and the Rules of Procedure of the Parliament or in other relevant legal instruments, to require the initiator of a draft law and competent parliamentary committee to consult a wide and diverse array of stakeholders from all spheres of public and private life, including gender equality experts, civil society (in particular organizations promoting gender equality and women's rights), and also representatives of minority communities and disadvantaged groups, at all stages of the law-making process; [para. 96]
 2. To supplement the Act (or sectoral legislation) with dedicated provisions regarding the media's role in advancing gender equality, including by explicitly requiring the media:
 - to contribute, through its programming and content, to the promotion of gender equality and balanced representation in media content,
 - to ensure non-discriminatory, non-degrading and non-stereotypical portrayal of persons on the grounds of sex, gender, gender identity, and gender expression, and ensure accountability for sexism and misogyny;
 - to mandate the competent media regulatory authority to monitor such portrayals, conduct regular gender analyses of media content and respective representation of women and men in the media (and in which capacities), publicly report on its findings and submit them to parliament, while also requiring parity in editorial boards and media regulatory bodies; [para. 97]
- F. Regarding monitoring, reporting, evaluation and review:
1. To include in the Act (or other applicable legislation regarding national statistics) dedicated provisions on data collection establishing a legal obligation for all relevant actors to collect statistical data disaggregated by gender, and other characteristics, within their respective areas of competence, and to record, process and transmit such data to the Statistical Office of the Republic of Slovenia; [para. 103]
 2. To broaden the scope of monitoring and reporting obligations, the range of actors subject to monitoring and reporting obligations, and require that reports be made publicly available, and to grant the Human Rights Ombudsman of Slovenia and/or the Advocate of the Principle of Equality of the Republic of Slovenia the mandate to conduct inspections and audits to

verify compliance by public and private actors with their gender equality obligations; [paras. 106 to 110]

3. To include in the Act a mandatory review and evaluation clause specifying the frequency of evaluation and cross-referencing the applicable legal framework for ex-post evaluation; [para. 113]

G. To introduce enforcement mechanisms and provide legal consequences in case of non-compliance with the obligations and prohibitions provided in the Act. [para. 116]

These and additional recommendations are included throughout the text of this Opinion, highlighted in bold.

As part of its mandate to assist OSCE participating States in implementing their OSCE human dimension commitments, ODIHR reviews, upon request, draft and existing laws to assess their compliance with international human rights standards and OSCE commitments and provides concrete recommendations for improvement.

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I. INTRODUCTION

1. On 1 December 2025, the Vice-President of the National Assembly of the Republic of Slovenia requested the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to provide a legal opinion on the *Equal Opportunities for Women and Men Act (ZEMŽM)* (hereinafter “the Act”), adopted on 5 July 2002, as amended.¹
2. On 3 December 2025, ODIHR responded to this request, confirming the Office’s readiness to prepare a legal analysis on the compliance of the Act with international human rights standards and OSCE human dimension commitments.
3. This Opinion was prepared in response to the above request. ODIHR conducted this assessment within its mandate to assist the OSCE participating States in the implementation of their OSCE human dimension commitments.²

II. SCOPE OF THE OPINION

4. The scope of this Opinion covers only the Act submitted for review. Thus limited, the Opinion does not constitute a full and comprehensive review of the entire legal and institutional framework regulating gender equality and non-discrimination in Slovenia.
5. The Opinion raises key issues and provides indications of areas of concern and is based on international and regional human rights and rule of law standards, norms and recommendations as well as relevant OSCE human dimension commitments. The Opinion also highlights, as appropriate, good practices from other OSCE participating States in this field. When referring to national legislation, ODIHR does not advocate for any specific country model but rather focuses on providing clear information about applicable international standards while illustrating how they are implemented in practice in certain national laws. Any country example should be approached with caution since it cannot necessarily be replicated in another country and has always to be considered in light of the broader national institutional and legal framework, as well as country context and political culture.
6. This Opinion is based on an unofficial English translation of the Act. Errors from translation may result. Should the Opinion be translated in another language, the English version shall prevail.
7. In view of the above, ODIHR would like to stress that this Opinion does not prevent ODIHR from formulating additional written or oral recommendations or comments on respective subject matters in Slovenia in the future.

1 See Official Gazette of the Republic of Slovenia, *Equal Opportunities for Women and Men Act (ZEMŽM)*, adopted on 5 July 2002. The unofficial consolidated text of the Equal Opportunities for Women and Men Act includes: *The Equal Opportunities for Women and Men Act – ZEMŽM* (Official Gazette of the Republic of Slovenia, No. 59/02 of 5.7.2002); *The Act on Amendments to the Act on the Implementation of the Principle of Equal Treatment – ZUNEO-A* (Official Gazette of the Republic of Slovenia, No. 61/07 of 10.7.2007); *The Protection against Discrimination Act – ZVarD* (Official Gazette of the Republic of Slovenia, No. 33/16 of 9.5.2016); and *the Act on Amendments to the Equal Opportunities for Women and Men Act – ZEMŽM-A* (Official Gazette of the Republic of Slovenia, No. 59/19 of 4 October 2019).

2 In particular, OSCE, *Action Plan for the Promotion of Gender Equality*, adopted by Decision No. 14/04 of 7 December 2004, MC.DEC/14/04 (2004), para. 44 (b), which states that “ODIHR, in co-operation with other international organizations and relevant national bodies and institutions, will assist OSCE participating States in complying with international instruments for the promotion of gender equality and women’s rights, and in reviewing legislation to ensure appropriate legal guarantees for the promotion of gender equality in accordance with OSCE and other commitments”.

III. LEGAL ANALYSIS AND RECOMMENDATIONS

1. RELEVANT INTERNATIONAL HUMAN RIGHTS STANDARDS AND OSCE HUMAN DIMENSION COMMITMENTS

8. The right to equality and to be free from discrimination on any ground is a fundamental element of international human rights law. In addition to the standards set in United Nations (hereinafter “UN”) sources, this right is also part of the relevant regional human rights instruments, which include the Council of Europe (hereinafter “CoE”) standards, the European Union (hereinafter “EU”) standards, as well as OSCE human dimension commitments, which are politically binding.
9. These standards and commitments are supplemented by various guidance and recommendations, including of the UN, the CoE, the EU and the OSCE. International law is widely read to include the prohibition of discrimination as a peremptory norm. At the same time, it largely leaves to the countries to decide how they will go about tackling sex- and gender-based discrimination and promoting gender equality in their particular legal orders and national contexts, although key human rights monitoring bodies and regional courts do lay out certain guidance as to what is expected of the States Parties to the respective treaties/conventions.

1.1. At the Global Level

10. The right to equality and to be free from discrimination is a fundamental element of international human rights law. As a leading principle, Article 7 of the 1948 Universal Declaration of Human Rights (hereinafter “UDHR”) provides that “*all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.*”³ Basic international equality standards can also be found in human rights instruments such as the International Covenant on Economic, Social and Cultural Rights⁴ (hereinafter “ICESCR”), the International Covenant on Civil and Political Rights⁵ (hereinafter “ICCPR”) and the Convention on the Rights of the Child⁶ (hereinafter “CRC”) that echo the non-discrimination principles as enshrined in the UDHR.⁷ In particular, Article 26 of the ICCPR states that all persons are equal before the law and that the law shall prohibit any discrimination and guarantee to all persons equal and effective protection from discrimination on any ground, including one’s sex. The UN Human Rights Committee (hereinafter “CCPR”) states that differentiation in treatment will not constitute discrimination under Article 26 of the ICCPR “*if the criteria for such differentiation are*

3 [Universal Declaration of Human Rights \(UDHR\)](#), proclaimed by the UN General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A).

4 [UN International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#), adopted by UN General Assembly Resolution 2200A (XXI) of 16 December 1966. The Republic of Slovenia became a State Party to the ICESCR by succession on 6 July 1992.

5 [UN International Covenant on Civil and Political Rights \(ICCPR\)](#), adopted by UN General Assembly Resolution 2200A (XXI) of 16 December 1966. The Republic of Slovenia became a State Party to the ICCPR by succession on 6 July 1992.

6 [UN Convention on the Rights of the Child \(CRC\)](#), adopted by UN General Assembly Resolution 44/25 of 20 November 1989. The Republic of Slovenia became a State Party to the CRC by succession on 6 July 1992.

7 These treaties include specific provisions referring to, or that are relevant to the equal rights of women and men, and girls and boys, see e.g., with respect to the enjoyment of all civil and political rights set forth in the ICCPR (Article 3 of the ICCPR); equality of rights and responsibilities of spouses (Article 23 (4) of the ICCPR); access to public service on general terms of equality (Article 25 (1)(c)); equal rights of men and women to the enjoyment of all economic, social and cultural rights set forth in the ICESCR (Article 3 of the ICESCR); equal remuneration for work of equal value without distinction of any kind (Article 7 (a)(i) of the ICESCR); equal opportunity for promotion in employment (Article 7 par (c) of the ICESCR); equal access to higher education (Article 13 (2)(c) of the ICESCR); and in the CRC: equal opportunity of children in education (Article 28 (1)); equal opportunities of children for opportunities for cultural, artistic, recreational and leisure activity (Article 31 (2)).

*reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant.”*⁸

11. The key UN instrument setting international standards for eliminating all forms of sex- and gender-based discrimination is the UN Convention on the Elimination of All Forms of Discrimination Against Women (hereinafter “CEDAW”).⁹ It guarantees women the equal recognition, enjoyment and exercise of all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. Although the Convention only refers to sex¹⁰-based discrimination, Article 1 read together with Articles 2(f) and 5(a) indicates that the Convention also covers gender¹¹-based discrimination against women. CEDAW is also innovative compared to previous international conventions as it pursues “substantive equality” or “equality of results”, and aims to address the underlying social power structures that perpetuate inequality among women and men.¹²
12. The CEDAW sets minimal standards on how laws in States Parties should conceptualize the prohibition of all forms of discrimination on grounds of sex and gender, which should apply to all fields of political, economic, social, cultural, civil or any other areas of life. This means that a country’s respective legal framework should set a wide material scope of application and prohibit all forms of discrimination – including those known and relevant to the national context, but also any new forms which might arise.
13. The definition of discrimination provided in Article 1 of the CEDAW lists types of actions which can lead to discrimination (“*any distinction, exclusion or restriction*”) and makes it clear that neither intent nor the direct/indirect nature (“*has the effect or purpose*”) of the action are relevant; it is the result which is important (“*impairing or nullifying recognition, enjoyment or exercise by women [of their human rights]*”). This also means that legal provisions providing for apparent identical or neutral treatment of women and men might constitute discrimination against women “*if such treatment resulted in or had the effect of women being denied the exercise of a right because there was no recognition of the pre-existing gender-based disadvantage and inequality that women face*”.¹³
14. According to the CEDAW, it is up to the States Parties to choose whether they will embody the principle of the equality of men and women in their constitutions or other appropriate legislation and to ensure, through law and other appropriate means, the practical realization of this principle (Article 2 (a)), while also adopting appropriate legislative and other measures prohibiting all discrimination against women (Article 2 (b)). States Parties also have an obligation to modify, abolish or repeal legislation, customs and practices which constitute discrimination against women (Article 2 (f) and (g)). Further, the CEDAW requires that States Parties undertake all appropriate measures, including legislation, and in all fields, in order to ensure “*the full development and*

8 UN Human Rights Committee (HRC), [CCPR General Comment No. 18: Non-discrimination](#), 10 November 1989, para. 13.

9 [UN Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#), adopted by General Assembly resolution 34/180 on 18 December 1979. The Republic of Slovenia became a State Party to the CEDAW by succession on 6 July 1992.

10 The term “sex” refers to biological differences between men and women. See CEDAW Committee, [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW](#), 16 December 2010, para. 5.

11 *Ibid.*, para. 5, which states: “*The term ‘gender’ refers to socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women. This social positioning of women and men is affected by political, economic, cultural, social, religious, ideological and environmental factors and can be changed by culture, society and community.*”

12 See “[The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol - Handbook for Parliamentarians No. 36](#)” (2023), page 31.

13 See UN CEDAW Committee, [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW](#), para. 5.

advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men” (Article 3).

15. The interpretation of the CEDAW continues to be shaped by the work of the UN CEDAW Committee. In its General Recommendation No. 28, the CEDAW Committee makes it clear that the States Parties to the Convention must prohibit intersectional discrimination.¹⁴ For an intersectional perspective, the International Convention on the Elimination of Racial Discrimination (hereinafter “CERD”)¹⁵ and the Convention on the Rights of Persons with Disabilities (hereinafter “CRPD”)¹⁶ are also of particular relevance. In addition, the latest General Recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems merits particular mention for the purpose of this Opinion as it specifically emphasizes the interlinkage between women’s rights in the private sphere and the enjoyment of all human rights and fundamental freedoms while providing very practical recommendations regarding measures to be adopted in all spheres.¹⁷
16. In addition to the CEDAW, the Beijing Declaration and Platform for Action¹⁸ (hereafter “BPfA”) sets out strategic objectives and actions for the advancement of women and the achievement of gender equality in 12 critical areas, including with respect to the institutional mechanisms for the advancement of women by prescribing mandate of these institutions to “*design, promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women*”.¹⁹ The BPfA further states that “*governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men, respectively*”.²⁰

1.2. At the Council of Europe Level

17. Article 14 of the European Convention on Human Rights (hereinafter “ECHR”) and Article 1 of Protocol 12 to the ECHR prohibit discrimination in relation to the exercise of the ECHR rights and in relation to any right set forth by law, respectively.²¹ According

14 *Ibid.*, para. 18.

15 [International Convention on the Elimination of Racial Discrimination](#) (CERD), adopted by UN General Assembly resolution 2106 (XX) of 21 December 1965. The Republic of Slovenia became a State Party to the CERD by succession on 6 July 1992

16 [Convention on the Rights of Persons with Disabilities](#) (CRPD), adopted by the UN General Assembly resolution A/RES/61/106 of 12 December 2006. The Republic of Slovenia ratified the CRPD on 24 April 2008. In particular, the CRPD clearly recognizes the intersectional nature of the experiences of persons with disabilities. This is clearly expressed in its Articles 5 and 6, on equality and non-discrimination and on women with disabilities respectively, and in Article 3 (general principles of the Convention which explicitly include the principle of equality between men and women (sub-para. g)).

17 See UN CEDAW Committee, [General Recommendation No. 40 \(2024\) on the equal and inclusive representation of women in decision-making systems](#).

18 [Beijing Declaration and Platform for Action](#) (BPfA), adopted by the Fourth World Conference on Women on 15 September 1995.

19 See BPfA, in Chapter IV, Section H, para. 202. The BPfA underlines the fundamental role of a national machinery for the advancement of women as the central policy-coordinating unit inside government, underlining that its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas and noted the necessary conditions for it to be effective: (i) it should be located at the “highest possible level in the Government, falling under the responsibility of a Cabinet minister”, (ii) there should be “institutional mechanisms or processes that facilitate, as appropriate, decentralized planning, implementation and monitoring with a view to involving non-governmental organizations and community organizations from the grass-roots upwards”, (iii) sufficient human and financial resources, (vi) it should have the opportunity to “influence development of all government policies”. See BPfA, in Chapter IV, Section H, para. 201.

20 [Beijing Declaration and Platform for Action](#), adopted at the 16th plenary meeting, on 15 September 1995, para. 164.

21 The CoE Convention for the Protection of Human Rights and Fundamental Freedoms ([European Convention on Human Rights](#), (ECHR)), signed on 4 November 1950, entered into force on 3 September 1953. Article 14 of the ECHR stipulates that the “*enjoyment of the rights and freedoms set forth in this Convention should be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status*”. [Protocol No. 12 to the ECHR](#) contains general prohibition of discrimination in the enjoyment of any rights. The text of these articles explicitly lists only “sex” as a discriminatory ground and not “gender”, “gender identity” nor “sexual orientation”. This is a direct consequence of the fact that the ECHR dates back from 1950 when “gender” was still not a legal concept, whereas Protocol 12 opted for replicating the ECHR list of discriminatory grounds because “such an inclusion was considered unnecessary from a legal point of view since the list of non-discrimination grounds is not exhaustive, and because inclusion of any particular additional ground

to the case law of the European Court of Human Rights (hereinafter “ECtHR”), a distinction of treatment in the enjoyment of a right does not violate Article 14 ECHR if it pursues a legitimate aim and if there is a reasonable relationship of proportionality between the means employed and the aim sought to be realized.²² Moreover, the States Parties to the ECHR enjoy a margin of appreciation²³ in assessing whether and to what extent differences in otherwise similar situations justify a differential treatment.²⁴ However, where certain discrimination grounds are at stake, in particular “race” or ethnicity, gender, sexual orientation and disability, the ECtHR has held that the state’s margin of appreciation is restricted and “very weighty reasons” would have to be put forward to justify a difference of treatment based on such grounds.²⁵

18. The Council of Europe Convention on preventing and combating violence against women and domestic violence,²⁶ also known as “the Istanbul Convention”, is also of relevance since it frames the eradication of violence against women and domestic violence in a context of achieving *de jure* and *de facto* equality and emphasizes prevention through combatting prejudice and stereotypes, changing attitudes, raising awareness, and education. The Istanbul Convention specifies several forms of gender-based violence against women that are to be criminalized (or, where applicable, otherwise sanctioned), and requires States Parties to take the necessary measures to prevent and combat all forms of such violence, as well as to collect disaggregated relevant statistical data.
19. The European Social Charter (revised) (ESC(R))²⁷ prescribes workers’ “*right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*” and contains a general anti-discrimination clause ending with the phrase “other status” (Part V, Article E), similar to the clause of Article 14 of the ECHR.

might give rise to unwarranted a contrario interpretations as regards discrimination based on grounds not so included” (see [Explanatory Report of Protocol 12, ECHR](#), para. 20). However, the ECtHR caselaw has clarified that the prohibition of discrimination also extends to “sexual orientation” and “gender identity”; see ECtHR in [Khamtokhu and Aksenchik v. Russia](#) [GC], nos. 60367/08 and 961/11, 24 January 2017, para. 61: “Article 14 prohibits differences based on an identifiable, objective or personal characteristic, or “status” by which individuals or groups are distinguishable from one another” (discrimination grounds), underlying that the list of discrimination grounds is “an illustrative and not exhaustive” (thus open) list and noting that the words “other status” have generally been given a wide meaning and their “interpretation has not been limited to characteristics which are personal in the sense that they are innate or inherent”. When it comes to discrimination on grounds of sex, the Court has repeatedly stated that the advancement of gender equality is today a major goal in the Member States of the Council of Europe ([Konstantin Markin v. Russia](#) [GC], no. 30078/06, 22 March 2012, para. 127) and that, in principle, “very weighty reasons” had to be put forward before such a difference in treatment could be regarded compatible with the Convention ([Abdulaziz, Cabales and Balkandali v. the United Kingdom](#), nos. 9214/80; 9473/81; 9474/81, 28 May 1985, para. 27; [Schuler-Zraggen v. Switzerland](#), no. 14518/89, 24 June 1993, para. 67, etc.). The ECtHR has held that “references to traditions, general assumptions or prevailing social attitudes in a particular country [were] insufficient justification for a difference in treatment on grounds of sex” ([Konstantin Markin v. Russia](#) [GC], no. 30078/06, 22 March 2012, para. 127). For example, States were prevented from imposing traditions that derive from the man’s primordial role and the woman’s secondary role in the family ([Ünal Tekeli v. Turkey](#), no. 29865/96, 16 November 2004, para. 63). The ECtHR also held that “[t]he reference to the traditional distribution of gender roles in society cannot justify the exclusion of men [...] from the entitlement to parental leave” and that “gender stereotypes, such as the perception of women as primary child-carers and men as primary breadwinners, cannot, by themselves, be considered to amount to sufficient justification for a difference in treatment, any more than similar stereotypes based on race, origin, colour or sexual orientation” ([Konstantin Markin v. Russia](#) [GC], no. 30078/06, 22 March 2012, para. 143).

- 22 See e.g., ECtHR, [Vallianatos v. Greece](#) [GC], nos. 29381/09 and 32684/09, 7 November 2013, para. 76; and [Burden v. the United Kingdom](#) [GC], no. 13378/05, 29 April 2008, para. 60.
- 23 Margin of appreciation doctrine as developed by the ECtHR, see cases of the ECtHR, [Paksas v. Lithuania](#) [GC], no. 34932/04, 6 January 2011, concerning the right to vote and stand for elections, para. 96; [Vallianatos v. Greece](#) [GC], nos. 29381/09 and 32684/09, 7 November 2013, concerning discriminatory regulation of the partnership agreements for the same-sex and different-sex couples, para. 76, etc.
- 24 See cases of ECtHR, [Burden v. the United Kingdom](#) [GC], no. 13378/05, 29 April 2008, para. 60; [Schalk and Kopf v. Austria](#), no. 30141/04, 24 June 2010, para. 96; and [X and Others v. Austria](#) [GC], no. 19010/07, 19 February 2013, para. 98, etc.
- 25 In this regard, the Court has stated that “very weighty reasons” would have to be put forward before a difference of treatment based on sex could be regarded as compatible with the Convention ECtHR ([Emel Boyraz v. Turkey](#), no. 61960/08, 2 December 2014, para. 51). Similarly, the ECtHR has established that “very weighty reasons” would have to be put forward to justify a difference of treatment based exclusively on sexual orientation (see e.g., ECtHR, [E.B. v. France](#) [GC], no. 43546/02, 22 January 2008, para. 91).
- 26 See Council of Europe, [Convention on preventing and combating violence against women and domestic violence](#) (CETS No. 210), which entered into force on 1 August 2014. The Republic of Slovenia ratified the Istanbul Convention on 5 February 2015 and it entered into force in Slovenia on 1 June 2015.
- 27 CoE, [European Social Charter \(revised\)](#), CETS no. 163, adopted on 3 May 1996, Part I, point 20 and Part II, Article 20. The State’s compliance with the revised ESC is monitored by the European Committee of Social Rights.

20. Various recommendations and resolutions on topics related to gender equality have been adopted by the CoE Committee of Ministers and the CoE Parliamentary Assembly (hereinafter “PACE”).²⁸ In particular, following the BPfA, the CoE developed specific guidelines on gender mainstreaming provided in the Recommendation No. R (98) 14 of the Committee of Ministers of the CoE. The Recommendation CM/Rec(2007)17 of the Committee of Ministers of the CoE to Member States on gender equality standards and mechanisms is also an important instrument when it comes to specifying the standards for institutional mechanisms for gender equality (hereinafter “IMGE”). In addition, the European Agency against Racism and Intolerance (hereinafter “ECRI”) has developed recommendations regarding the establishment of equality bodies²⁹ and the collection of data disaggregated by multiple grounds to enable intersectional analysis of discrimination.³⁰

1.3. At the European Union Level

21. The principle of equality and non-discrimination is a fundamental principle of the European Union (EU), enshrined in the Treaty of the EU (TEU),³¹ the Treaty on the Functioning of the EU (hereinafter “TFEU”),³² and the Charter of Fundamental Rights of the EU (EU Charter),³³ as also reflected in the 2025 Roadmap for Women's Rights endorsed by all EU Member States in 2025.³⁴ A number of EU Directives address gender equality and equal treatment – while also focusing on remedies and enforcement – in particular in the fields of employment and occupation, equal pay, work-life balance, access to goods and services, corporate governance, and the protection of pregnant workers and the self-employed.³⁵

28 Including [Resolution 855\(1986\) of the PACE on equality between men and women](#), adopted on 27 January 1986; [Recommendation 1229 \(1994\) of the PACE on equality of rights between men and women](#), adopted on 24 January 1994; [Recommendation 1269 \(1995\) of the PACE on achieving real progress in women's rights](#), adopted on 27 April 1995; [Recommendation No. R \(98\) 14 of the Committee of Ministers of the CoE on gender mainstreaming](#); [Recommendation CM/Rec\(2003\)3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision-making](#), adopted by the Committee of Ministers on 12 March 2003; [Resolution 1489 \(2006\) of the PACE on mechanisms to ensure women's participation in decision-making](#), adopted on 17 March 2006; [Recommendation CM/Rec\(2007\)17 of the Committee of Ministers to member states on gender equality standards and mechanisms](#), adopted on 21 November 2007; [Recommendation 1899 \(2010\) of the PACE on increasing women's representation in politics through the electoral system](#), adopted on 27 January 2010; [Recommendation CM/Rec\(2010\)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity](#), adopted on 31 March 2010; [Recommendation CM/Rec\(2012\)6 of the Committee of Ministers to member states on measures to combat discrimination on the protection and promotion of the rights of women and girls with disabilities](#), adopted on 13 June; [Recommendation CM/Rec\(2013\)1 of the Committee of Ministers to member states on gender equality and media](#), adopted on 10 July 2013.

29 See European Commission against Racism and Intolerance (ECRI), [General Policy Recommendation No. 2. Equality Bodies to Combat Racism and Intolerance at National Level](#), adopted on 7 December 2017.

30 See ECRI, [General Policy Recommendation No. 1 on Combating Racism, Xenophobia, Antisemitism and Intolerance](#), adopted on 4 October 1996, section B; ECRI, [General Policy Recommendation No. 2. Equality Bodies to Combat Racism and Intolerance at National Level](#), adopted on 7 December 2017, para. 112; ECRI, [General Policy Recommendation No. 11 on Combating Racism and Racial Discrimination in Policing](#), adopted on 29 June 2007.

31 [Treaty of the European Union](#), consolidated version, published in OJ [abbreviation from the Official Journal of the EC (now of EU)] C 326, 26 October 2012, pp. 1–390. The Republic of Slovenia became a Member State of the EU on 1 May 2004.

32 [Treaty on the Functioning of the European Union](#), consolidated version, OJ C 202, 7.6.2016, pp. 1–388. Most notably, Article 8 of the TFEU states: “*In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women.*”

33 [Charter of Fundamental Rights of the European Union](#), initially published in OJ C 364, 18.12.2000, pp. 1–22; binding after entry in force of the 2009 Lisbon Treaty in December 2009, especially Article 20 on Equality before the law, Article 21 (1) on Non-discrimination, which provides that “*Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited*” and Article 23 on Equality between men and Women which provides that “*Equality between women and men must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex*”.

34 See [2025 Roadmap for Women's Rights](#). See also European Commission, [Gender Equality Strategy 2026-2030](#), adopted on 5 March 2026, which puts forward concrete actions to embed gender equality into every aspect of life, both online and offline, while also tackling new threats such as gender-based cyberviolence, anti-gender narratives and AI-related risks, which particularly affect women.

35 The gender equality directives in force are: [Council Directive 2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Employment Equality Directive (2000/78/EC), which lays down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation); Council [Directive 2004/113/EC](#) of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; and); [Directive 2006/54/EC](#) of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (“2006 Recast

22. The European Institute for Gender Equality (hereinafter “EIGE”) – the EU agency focused on gender equality – has worked extensively on mapping gender mainstreaming practices throughout the EU and on developing a number of tools and possible methods for undertaking gender mainstreaming.³⁶ Pursuant to the EU [Gender Equality Strategy 2026-2030](#), EIGE will also launch a Gender Mainstreaming Helpdesk in 2026 to further support gender mainstreaming at Member State level.³⁷

1.4. At the OSCE Level

23. The promotion of gender equality is also an integral element at the core of the OSCE commitments.³⁸ In particular, the OSCE Action Plan for the Promotion of Gender Equality of 2004, in its Chapter IV, calls on participating States to develop policies and establish mechanisms to promote and strengthen gender equality, and to comply with the relevant international instruments that they have ratified or acceded to.³⁹ In 2009, in Athens, the OSCE Ministerial Council called on OSCE participating States to, inter alia, consider specific measures to achieve gender balance in all public institutions and consider possible legislative measures to facilitate a more balanced participation of women and men in public life and in decision-making.⁴⁰ ODIHR also developed several tools and publications⁴¹ to support OSCE pSs in the implementation of their commitments to promote gender equality, including a Comparative Note on Gender Equality Laws (GELs) across the OSCE region.⁴²

Directive”, which also establishes a gender mainstreaming obligation, see Article 29, which states that EU Member States “*shall actively take into account the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and activities in the areas referred to in this Directive.*”). See also [Directive \(EU\) 2023/970](#) of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms; [Directive \(EU\) 2022/2381](#) of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures; [Directive 2019/1158](#) of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU; [Directive 2010/41/EU](#) of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC; [Directive 92/85/EEC](#) on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

- 36 See EIGE, [Gender Mainstreaming](#). The tools developed by EIGE include “*gender analysis, gender audit, gender awareness-raising, gender budgeting, gender equality training, gender evaluation, gender impact assessment, gender indicators, gender monitoring, gender planning, gender procurement, gender statistics, gender-sensitive stakeholder consultations, institutional transformation, and sex-disaggregated data.*”
- 37 See European Commission, [Gender Equality Strategy 2026-2030](#), adopted on 5 March 2026, which puts forward concrete actions to embed gender equality into every aspect of life, both online and offline, while also tackling new threats such as gender-based cyberviolence, anti-gender narratives and AI-related risks, which particularly affect women.
- 38 See [CSCE Concluding Document of Vienna](#) – The Third Follow-Up Meeting, Vienna, 15 January 1989, Questions Relating to Security in Europe, Principles, para. 13.7, where participating States expressed their commitment to ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind based on such characteristics as, inter alia, a person’s sex; [Document of the Copenhagen Meeting of the Conference on the Human Dimension Meeting of the CSCE](#), June 1990, para. 5.9, where participating States reiterated their commitment to the protection and promotion of human rights and fundamental freedoms, including, equality before the law for all persons and the prohibition of discrimination; [Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE](#), Moscow, 3 October 1991, para. 40, where participating States affirmed their goal of achieving equality of opportunity between men and women and of promoting effective measures to that end, as well expressed a commitment to encourage and promote equal opportunity for full participation by women in all aspects of political and public life; OSCE, Action Plan for the Promotion of Gender Equality, adopted by Decision No. 14/04 of 7 December 2004, MC.DEC/14/04 (2004).
- 39 OSCE, [Action Plan for the Promotion of Gender Equality](#) (2004), Chapter IV, para. 42; and Chapter V, para. 44. It also recommended to pSs to: “*Draw on the experience of the OSCE to develop cross-dimensional gender equality policies and strategies, and include in the follow-up to such policies, inter alia, the utilization of gender analysis and monitoring mechanisms to assess the impact of gender policies and strategies, so that constraints on their full implementation may be identified and addressed*” (para. 42).
- 40 See [OSCE Ministerial Council Decision No. 7/09 on Women’s Political Participation in Political and Public Life](#), adopted on 2 December 2009, paras. 1 and 2.
- 41 Including the ODIHR Gender Parity Roadmap: Seven steps towards the equal and meaningful representation of women and men in politics (2025); the Sarajevo Tool for Engaging Male Politicians in Achieving Gender Equality in Politics (2025); the ODIHR Gender Response Governance Toolkit (2024); the Guide on Institutional Mechanisms as Critical Actors for Gender Equality: A Review from the OSCE Region (2023); the Toolkit on Addressing Violence against Women in Politics (2022); the Guidelines on Participatory Gender Audits of Parliaments (2022), which complements the ODIHR practical guide “Realizing Gender Equality in Parliament: A Guide for Parliaments in the OSCE Region” (2021), a Practical Guide to Gender-Sensitive Legislation (2017). See Gender Equality - OSCE.
- 42 See ODIHR, [Comparative Note on Gender Equality laws Across the OSCE Region](#), 26 February 2024.

2. NATIONAL LEGAL FRAMEWORK

24. The legal framework for gender equality in Slovenia comprises constitutional guarantees, a dedicated gender equality law, a general anti-discrimination legislation and relevant sectoral laws. The Constitution of Slovenia enshrines the principle of equality before the law, guaranteeing equal human rights and fundamental freedoms regardless of any personal circumstances, including sex (Article 14), and guarantees the right to equal employment opportunities (Article 49). The Constitution further provides that legislation shall provide measures for encouraging equal opportunities for women and men in standing for election both at the national and local levels of government (Article 43).
25. In 2002, the National Assembly of Slovenia adopted the *Equal Opportunities for Women and Men Act* (hereinafter “the Act”) under review, which introduced the principle of gender mainstreaming into national legislation.⁴³ The Act aims to create “*equal opportunities for women and men in political, economic, social, educational, and other areas of social life*”. Pursuant to Article 11, the Government and all ministries are required to consider gender equality when planning, designing and implementing policy measures. Each ministry must appoint a coordinator for equal opportunities for women and men, responsible for the implementation of actions within the competence of the ministry. The Act also establishes the principle of balanced gender representation in central and local government bodies (Article 14 and 30.a) and parliamentary bodies (Article 10), regulates the use of temporary special measures (Article 7), and requires the adoption of a national programme for equal opportunities for women and men (Article 15).
26. In addition, a general anti-discrimination legislation was also adopted in 2006, the 2006 *Equal Treatment Act*, later replaced by the *Protection Against Discrimination Act* in May 2016.⁴⁴ The 2016 *Protection Against Discrimination Act* (hereinafter “PADA”) guarantees protection for every individual against discrimination based on various grounds, including sex, sexual orientation, and gender identity or expression (Article 1). It defines and prohibits various forms of discrimination (Articles 4, 6, 7, 8 and 12), establishes enforcement mechanisms (Articles 39-45), and creates the office of the Advocate of the Principle of Equality as an independent body responsible for assisting victims of discrimination, conducting investigations and inspections, issuing recommendations and reports, and participating in legal proceedings (Articles 19-32).
27. Some measures promoting equality to some extent are also embedded in other sectoral laws, including those governing employment relations,⁴⁵ political parties,⁴⁶ companies,⁴⁷ parental care and family benefits,⁴⁸ among others. In its latest Concluding Observations on Slovenia, the CEDAW Committee recommended amending a number of pieces of

43 Republic of Slovenia, [Act on Equal Opportunities for Women and Men](#) (ZEMŽM), Official Gazette of the Republic of Slovenia, No. 59/02, 61/07 – ZUNEO-A, 33/16 – ZVarD and 59/19), July 2002, last amended in October 2019.

44 Republic of Slovenia, [Protection Against Discrimination Act](#) (ZVarD), Official Gazette of the Republic of Slovenia, Nos. 33/16 and 21/18 – ZNOrg), May 2016.

45 Republic of Slovenia, [Employment Relationships Act](#) (ZDR), Articles 6, 25, 89 and 13.3, which mandates equal treatment of women and men, equal pay for equal work, and protections related to pregnancy and parenthood.

46 Republic of Slovenia, [Political Parties Act](#) (ZPolS, unofficial consolidated text of 2023), which requires the political party statutes to specify the method of ensuring equal opportunities for both sexes in determining candidates for elections (Article 19) and envisages the possibility for a women's organization that has the status of an organization in the public interest in the field of gender equality to obtain public funds for the co-financing of projects and programmes in accordance with the regulations governing the public interest in the field of gender equality (Article 21).

47 On 3 December 2024, an amendment to the Companies Act was published in the Official Gazette, which aims at implementing Directive (EU) 2022/2381 and sets out specific requirements aimed at ensuring gender balance among members of the management and supervisory bodies and executive directors, while also requiring companies to report and publish information on the gender balance of the company's management and supervisory bodies and the measures they have taken or will take to achieve gender balance on their website.

48 Republic of Slovenia, [Parental Care and Family Benefits Act](#) (ZSDP-1), which provides that each parent has 60 days of non-transferable paid parental leave.

legislation, including the Elections to the National Assembly Act,⁴⁹ the Marriage and Family Relations Act, and adopt legislative measures to address legislative gaps to strengthen support services for victims of trafficking, as well as temporary special measures in a number of areas.⁵⁰

3. PURPOSE OF THE ACT AND GENERAL COMMENTS

28. Article 1 of the Act defines its purpose. Article 1 (1) provides that “*this Act lays down principles for improving the position of women and creating equal opportunities for women and men in political, economic, social, educational, and other areas of social life*”. Article 1 (2) further explains that the creation of equal opportunities entails the removal of obstacles to achieving gender equality, in particular through the prevention and elimination of unequal treatment between the sexes and by creating conditions for equal representation of both sexes in all areas of social life.
29. For legislation to be effective, implementable and capable of achieving its intended results, laws should have a clearly stated purpose.⁵¹ A statement of legislative purpose sets an objective and clear benchmark for what the law aims to achieve, offers guidance to those involved in its implementation and interpretation, and is a point of reference for the ex-post evaluation of the law in question.
30. It is a common practice in OSCE pSs to include statements of purpose in GELs to indicate what the aim of the law is.⁵² While such statements should indicate the final result to be achieved, it should not be limited to the mere protection against discrimination and a formal interpretation of the right to equality, but should ensure that substantive and transformative equality is a key goal. In particular, GELs should adopt a more comprehensive approach to also improve the *de facto* position and the real-life disadvantages faced by women (substantive equality) and to address prevailing gender relations, social norms and gender-based stereotypes that perpetuate inequality (transformative equality).⁵³

49 See CEDAW Committee, [Concluding observations on the seventh periodic report of Slovenia](#), 2 March 2023, para. 32. See also ODIHR, Needs Assessment Mission Report - Republic of Slovenia Parliamentary Elections, 22 March 2026, p. 2, which notes: “*Women remain under-represented in public and political life. In the outgoing National Assembly, 33 of the 90 members are women, and women hold 7 of the 40 seats in the National Council and 7 of the 21 positions in the Government. The legislation requires candidate lists to include at least 35 per cent of each gender; however, there is no system to ensure alternating placement of candidates. Several ODIHR NAM interlocutors noted that, despite the quota, women continue to face structural obstacles to equal political participation. Some also observed that women’s electoral prospects may be affected by parties’ strategic placement of candidates across districts*”.

50 See CEDAW Committee, [Concluding observations on the seventh periodic report of Slovenia](#), 2 March 2023.

51 See ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#), 2023, para. 33.

52 See, as illustrative examples, the purpose of the newly adopted [Law No. 64/2025 on Gender Equality of Albania](#) is: “*a) to ensure the right of every individual to gender equality and to effective protection from gender discrimination and gender-based inequalities in public and private life, due to multiple affiliations, in accordance with the provisions of this law and the applicable legislation on protection against discrimination; b) to establish, for all areas of activity, including those covered by this law, general and specific measures based on diverse gender needs and priorities, with the aim of improving, promoting, and achieving gender equality in society; c) to designate the authorities responsible for developing and promoting gender equality in society and their obligations for achieving gender equality, monitoring and evaluating its attainment*”. The [Employment Equality Act in Canada](#) aims to: achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfilment of that goal, to correct the conditions of disadvantage in employment experienced by women, Aboriginal peoples, persons with disabilities and members of visible minorities by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences. In [Finland](#), the [Act on Equality between Women and Men \(609/1986\)](#) aims to prevent discrimination based on gender, to promote equality between women and men, and thus to improve the status of women, particularly in working life. Furthermore, it is the objective of this Act to prevent discrimination based on gender identity or gender expression. [Act on Equal Status and Equal Rights Irrespective of Gender of Iceland](#): “*The objective of this Act is to prevent discrimination on the basis of gender and to maintain gender equality and equal opportunities for the genders in all spheres of society. All people shall have equal opportunities to benefit from their own enterprise and to develop their skills irrespective of gender*”.

53 See e.g., ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE](#), 26 February 2024, para. 27; UN Women discussion paper, Sandra Fredman, [Discussion Paper on Gender Equality and Human Rights](#) (2015); Committee on the Rights of Persons with Disabilities, [General comment No. 6 \(2018\) on equality and non-discrimination](#), para. 11, referring to the concept of “inclusive equality”; UNRPD-UN Women, [Intersectionality Resource Guide and Toolkit - An Intersectional Approach to Leave No One Behind](#) (2022), p. 49.

31. While the statement of purpose in Article 1 of the Act suggests a wide-ranging scope, which is in principle a positive feature, several aspects of the current provision could be improved.
32. Firstly, the Act's title and statement of purpose suggest a broad approach to promoting equal opportunities for women and men, whereas the substantive scope and actual content of the Act appear comparatively much narrower, focusing primarily on equal representation in public bodies and institutional mechanisms. While Article 1 refers to creating equal opportunities for women and men in various areas of social life, eliminating discrimination on the basis of sex, and creating the conditions for equal representation, these objectives are not fully reflected in the operative provisions of the Act, which remain more limited in scope. The Act primarily requires governmental bodies to observe the principle of balanced representation (Articles 14 and 30a) and establishes an obligation for the Government to propose and implement a National Programme for equal opportunities for women and men that should define objectives and measures for achieving these objectives in specific areas of social life (Article 15). However, the Act does not further regulate political, economic, or social relations nor does not impose specific and enforceable obligations to remove structural barriers or to prevent and eliminate unequal treatment. Also, although the Act includes definitions of general and special temporary measures aimed at achieving equal treatment and equal opportunities, these provisions do not establish a clear legal obligation for state authorities to adopt or implement such measures (Articles 6 and 7). In this respect, it is noted that the CEDAW Committee recommends a strong legal framework, including targeted permanent and temporary special measures, to prevent and address discrimination and ensure substantive equality in order to reach fifty-fifty parity in decision-making systems within a clear time frame, by 2030, while stipulating penalties for non-compliance.⁵⁴ **If the purpose of the Act is indeed intended to remain limited to ensuring equal representation in government bodies and setting up institutional mechanisms, this should be made clearer and more explicit in the statement of purpose including by considering specifying the objective of achieving parity in decision-making systems within a clear timeframe.** At the same time, it should be acknowledged that meaningful reform aimed at strengthening the legal framework for gender equality should adopt a more comprehensive and substantive approach, seeking to mainstream the promotion of gender equality throughout all areas of public and private life. While such a comprehensive approach may necessitate amending other pieces of legislation, the present Opinion highlights areas deserving further elaboration, which could be reflected either in the Act, should its substantive scope be broader than currently envisioned, or through targeted amendments to other relevant sectoral legislation.
33. Second, the current stated aims – i.e., creating equal opportunities for women and men in various areas of social life, eliminating discrimination based on sex, and creating the conditions for equal representation – do not fully reflect an approach grounded in substantive and transformative equality. In particular, the approach in the statement of purpose appears limited in its capacity to address structural inequalities, stigma, stereotyping, prejudice and violence; to ensure equal participation in decision-making in all spheres of life; and to accommodate difference, taking into account intersectional identities.⁵⁵ The Act should move beyond a narrow focus on equal opportunities to aim

54 See UN CEDAW Committee, *General Recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems*, para. 2. See also ODIHR Gender Parity Roadmap: Seven steps towards the equal and meaningful representation of women and men in politics (2025).

55 See ODIHR, *Comparative Note on Gender Equality Laws Across the OSCE*, 26 February 2024, para. 28; UN Women discussion paper, Sandra Fredman, *Discussion Paper on Gender Equality and Human Rights* (2015); Committee on the Rights of Persons with Disabilities, *General comment No. 6 (2018) on equality and non-discrimination*, para. 11, referring to the concept of “inclusive equality”; UNPRPD-UN Women, *Intersectionality Resource Guide and Toolkit - An Intersectional Approach to Leave No One Behind* (2022), p. 49.

for substantive equality and transformative equality. In addition, while the Act provides a non-exhaustive list of targeted areas (i.e., political, economic, social, educational and other), the specific enumeration of these areas, to the exclusion of others, suggests a relatively narrow focus and does not fully reflect the breadth of measures required to address gender equality across all areas of public and private life.⁵⁶ In this respect, the scope and objectives of the Act could be broadened by clarifying in the statement of purpose that it aims to achieve full equality in both the private and public spheres in all areas of life, and by clarifying that creating equal opportunities and reaching full equality is a responsibility of all public and private actors. This would require corresponding operative provisions to be appropriately elaborated in the Act, unless these issues are already or will be regulated under other applicable legislation.

34. Third, the formulation of the Act as laying down “*principles*” may weaken its legal effect and its position within the hierarchy of norms. This phrasing could lead to an interpretation of the Act as a statute setting out general aspirations, or guiding principles, rather than establishing legally binding and enforceable responsibilities upon state authorities.
35. Finally, States Parties to the CEDAW should also address **intersectional discrimination**⁵⁷ and ensure that GELs clearly define it and acknowledge that different women and men might be affected differently and experience discrimination due to other factors such as a “race”,⁵⁸ national or ethnic origin, colour, language, religion or belief, disability, age, immigration or refugee status, health status, etc, that are inextricably linked to sex and gender.
36. **In light of the above, it is recommended to consider redrafting the statement of purpose of the Act to ensure that substantive and transformative equality is established as a key objective, while specifying that it applies to all areas of public and private life and is a responsibility of all public and private actors, while taking due account of intersectional inequalities.**
37. It is noted that the Act’s focus on equal treatment, together with its general emphasis on the institutional framework, suggests that meaningful progress will depend on broader reforms of sector-specific legislation, in order to effectively address structural inequalities and advance substantive and transformative equality. Accordingly, **any reform of the Act should be accompanied by an in-depth, comprehensive assessment of the existing legal framework across all relevant areas and sectors, with a view to undertaking more wide-ranging legislative reform.**

4. DEFINITION OF GENDER EQUALITY AND PROHIBITION OF DISCRIMINATION

56 For instance, the newly adopted [Law No. 64/2025 on Gender Equality of Albania](#) refers to “all areas of public and private life” while then further elaborating on the specific measures to be applied in the specific sectors, including employment/labour, education, decision-making, information and communication technologies and information society, public information and the media, agriculture and rural development sectors, sport, social protection and health, defence and security, transport, infrastructure and urban planning, energy, environmental protection and natural resource management, culture and art.

57 While the CEDAW itself is textually silent as to intersectionality, through its general recommendations, decisions, and inquiries, the CEDAW Committee has furthered the narrative and understanding of intersectional discrimination; see in particular CEDAW Committee, [General Recommendation No. 28](#) on the Core Obligations of States Parties under Article 2 of the CEDAW, para. 18.

58 The use of the term “race” or “racial” in this Note shall not imply endorsement by ODIHR of any theory based on the existence of different “races”. While recognizing that the term “race” is a purely social construct that has no basis as a scientific concept, for the purpose of the Comparative Note, the term “race” or “racial” may be used in reference to international instruments applying such a term to ensure that all discriminatory actions based on a person’s (perceived or actual) alleged “race”, ancestry, ethnicity, colour or nationality are covered - while generally preferring the use of alternative terms such as “ancestry” or “national or ethnic origin”; the Comparative Note uses the term to ensure that people who are misperceived as belonging to another “race” are effectively protected against direct or indirect “racial” discrimination (see e.g., [ODIHR Practical Guide on Hate Crime Laws \(2022\)](#), footnote 14 and pages 50-51). Except when part of a citation from a legal instrument or case law, the words “race” or “racial” are thus placed in quotation marks in this Comparative Note to indicate that underlying theories based on the alleged existence of different “races” are not accepted. See also ECRI, [General Policy Recommendation No. 7 on National Legislation To Combat Racism And Racial Discrimination](#), adopted on 13 December 2002 and revised on 7 December 2017, CRI(2003)8.

38. Under Article 4 of the Act, gender equality “*means that women and men participate equally in all areas of public and private life, that they have equal status and equal opportunities to enjoy all rights and to develop their personal potential, thereby contributing to social development, and that they benefit equally from the results of development*”. The Act defines direct and indirect discrimination on the grounds of sex (Article 5) but does not explicitly prohibit discrimination.⁵⁹
39. It is noted that the 2016 PADA defines and explicitly prohibits various forms of discrimination based on various grounds, including sex, sexual orientation and gender identity or expression. This overlap in definitional provisions may reduce legal clarity, particularly where different laws regulate the same or similar concepts without cross-reference nor a clear articulation of their respective scope and relationship.⁶⁰ The PADA also provides a range of fines for different forms of discrimination (Article 45) and financial compensation for victims of discrimination (Article 39 (2)).⁶¹ In addition, the Criminal Code provides criminal sanctions for violations of equal status, including on the grounds of gender and sexual orientation (Article 141) and for criminal offences against sexual integrity (Chapter 19 of the Criminal Code).⁶²
40. This legislative arrangement – combining a gender equality law focused on gender mainstreaming with an anti-discrimination law prohibiting discrimination on various grounds including gender and providing sanctions – is not uncommon and is found in other OSCE pSs.⁶³
41. **For greater legal clarity, consideration could be given to more clearly articulate the respective scope and relationship between the Act and the PADA regarding the definition and prohibition of gender-based discrimination, while avoiding duplication. This could be achieved by including relevant cross-references to the definitions and other PADA’s provisions on prohibition of discrimination and legal consequences for discrimination, while including a provision clarifying which Act should prevail in case of inconsistency. A more comprehensive review of the legal framework on gender equality and non-discrimination would also help identify and eliminate possible overlaps and inconsistencies with other legislation, with a view to ensuring overall coherence of the legal framework.**
42. While an assessment of the PADA goes beyond the scope of the present Opinion, several features of its provisions concerning the prohibition of discrimination are commendable and in line with international and regional standards. Notably, the PADA explicitly recognizes the gender-related protected grounds in international and regional human rights instruments, including sex, sexual orientation and gender identity or expression. In addition, as considered good practice, the PADA defines and prohibits various forms of discrimination, including direct and indirect discrimination, harassment on the basis of sex or gender and sexual harassment and other forms of discrimination, and provides a range of administrative and criminal sanctions and civil remedies (see para. 39 *supra*). In this respect, international and regional human rights instruments require States to provide

59 Direct discrimination exists “*if a person has been, is, or could be treated less favourably than a person of the opposite sex in the same or similar circumstances on the grounds of their sex*” (Article 5 (2)). Indirect discrimination occurs “*where an apparently neutral provision, criterion, or practice would put persons of one sex at a particularly disadvantage in a comparable situation, unless that provision, criterion, or practice is objectively justified by relevant, necessary, and legitimate objective reasons unrelated to sex criteria or practices are appropriate, necessary, and justified by objective facts unrelated to sex.*” (Article 5 (3)).

60 See ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#), 2024, para. 34, which provides that “One of the requirements for clear and unambiguous legislation is consistent drafting and structure, with terminology always used in the same way, definitions added where necessary and relevant cross-references provided to other provisions or laws”.

61 See Republic of Slovenia, [Protection Against Discrimination Act](#) (ZVarD), Art. 46 and 39(2).

62 See Republic of Slovenia, [Criminal Code](#), art. 141 and Chapter 19. Article 141 provides that violating equal status, or prosecuting an individual or an organisation due to their advocacy for equality of people is punishable by a fine or imprisonment for up to one year. If the offence is committed by a public official, the maximum penalty increases to three years imprisonment.

63 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE](#), 26 February 2024, para. 25.

appropriate remedies, including “*effective, proportionate and dissuasive*” sanctions, in their national legislation in cases of gender discrimination.

43. With respect to the definition of “gender equality” in Article 4 of the Act, which is not defined in the PADA, it could be further strengthened. It is currently limited to “women and men”, which does not fully capture the diversity within these groups, including individuals of different gender identities or expressions, or who may experience other forms of intersectional discrimination due to other factors (see para. 35 *supra*). Furthermore, as underlined above with respect to the purpose of the Act, the focus on equal participation, equal status and equal opportunities in the definition reflects a focus on formal equality rather than the need for substantive and transformative equality and to address deeply rooted structural inequalities. **Consideration should be given to expand the definition of gender equality beyond a focus on equal treatment to incorporate substantive and transformative equality, with a view to ensuring equitable outcomes and addressing structural inequalities, remedying systemic disadvantages, and challenging the social norms and gender-based stereotypes that perpetuate inequality.**
44. Secondly, neither the Act nor the PADA address intersectional discrimination, where several discriminatory grounds come to play simultaneously and produce distinct and specific forms of discrimination (see para. 35 *supra*). In its General Recommendation No. 28, the CEDAW Committee makes it clear that states should prohibit intersectional discrimination.⁶⁴ It helps ensure that legal framework on anti-discrimination and gender accounts for the complex realities of discrimination and protects those who may be disproportionately affected by overlapping forms of marginalization. Therefore, and although potentially going beyond the scope of this Opinion, **consideration should be given to define and prohibit intersectional discrimination, in the PADA or in the Act, depending on the relationship chosen between the Act and the PADA** (see para. 41 above).

RECOMMENDATION A

1. To consider redrafting the statement of purpose of the Act to ensure that substantive and transformative equality is established as a key objective, while specifying that it applies to all areas of public and private life and is a responsibility of all public and private actors, and taking due account of intersectional inequalities – noting that this would require that corresponding provisions are appropriately elaborated in the Act; alternatively, if the purpose of the Act is to remain limited to ensuring equal representation in government bodies and setting up institutional mechanisms, this should be made clearer and more explicit in the statement of purpose including by considering specifying the objective of achieving parity in decision-making systems within a clear timeframe.
2. To broaden the definition of gender equality in Article 4 of the Act to encompass men and women in all their diversity, and to include the principles of substantive and transformative equality, with a view to ensuring equitable outcomes and addressing structural inequalities, remedying systemic disadvantages, and challenging the social norms and gender-based stereotypes that perpetuate inequality.

5. GENERAL AND SPECIAL MEASURES

⁶⁴ See CEDAW Committee, [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW](#), para. 5.

45. Article 11 (1) of the Act requires the Government and ministries to implement the objectives of the Act through the adoption of appropriate general and special measures. Article 6 specifies that general measures encompass both measures of a normative nature which prohibit discrimination on the basis of sex or prescribe certain conduct and behaviour in order to achieve equal treatment of the sexes and determine sanctions for non-compliance, as well as measures of a political nature, such as activities, programs and strategies aimed at creating equal opportunities in various areas of social life. Under Article 7, special measures are defined as temporary measures aimed at creating equal opportunities for women and men and promoting gender equality in specific areas of social life where there is an imbalance in the representation of the sexes or an unequal position of one sex. Article 7 (3) further provides that special measures should be justified and proportionate to the purpose they aim to achieve. Article 7 (4) provides a non-exhaustive list of special measures, including: positive measures which give preference to persons of the underrepresented gender; incentive measures that provide social benefits or special incentives; and programmatic measures in the form of awareness-raising activities and action plans.
46. The CEDAW requires States to take all appropriate measures to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. Article 4 (1) of the CEDAW provides that States can adopt temporary special measures aimed at accelerating *de facto* (or substantive) equality between women and men. The CEDAW Committee emphasizes that such temporary special measures are not an exception to the norm of non-discrimination, but rather are part of a necessary strategy by States to achieve substantive equality.⁶⁵ Such measures should be appropriate to the situation to be remedied, proportionate and temporary, and should be discontinued when their objectives have been achieved and sustained for a period of time.⁶⁶ The CEDAW Committee also highlighted the need for States to distinguish these temporary special measures from general measures adopted in order to guarantee the civil, political, economic, social and cultural rights of women and the girls, designed to ensure for them a life of dignity and non-discrimination, which would not be limited in time.⁶⁷
47. The provisions of the Act regulating general and special measures are overall commendable insofar as they distinguish general measures from temporary special measures and specify that temporary special measures should be temporary, justified and proportionate to the purpose they aim to achieve, in line with CEDAW requirements.
48. Nevertheless, these provisions have two important gaps. First, the Act requires only the Government and ministries to enact such measures. The National Assembly is not explicitly mandated with adopting such measures through laws. This arrangement risks delegating the determination of the substance and scope of such measures to the executive branch. Given the importance of these measures for the effective realization of gender equality, the Act under review and/or relevant sectoral laws, should provide more practical and targeted sectoral measures, tailored to the specificities of different sectors, to be implemented under the responsibility of the relevant ministries and public bodies. They could at least elaborate the objectives, guiding principles, minimum content and areas of interventions when such measures are to be defined, and/or further elaborated and operationalized by the Government. In addition, mechanisms and procedures for

65 CEDAW Committee, [General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures](#), para. 18.

66 CEDAW, Article 4.1; CEDAW Committee, [General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures](#), para. 20.

67 CEDAW Committee, [General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures](#), para. 19.

effective parliamentary oversight and scrutiny of measures adopted by the government should be in place. Moreover, ensuring gender equality across all areas of public and private life would require a much broader institutional reach, also allowing the adoption of general and special measures by other public authorities, including local self-government, as well as relevant private actors, including the media. In this respect, it is noted that Article 18 of the PADA allows a much broader range of entities (i.e., “*state bodies, local self-governing communities, holders of public authority, employers, educational institutions, economic operators and other entities*”) to adopt special measures.

49. Second, the Act does not specify the conditions and procedure for initiating, preparing, adopting, monitoring, evaluating and discontinuing general and temporary special measures, although some aspects are covered by Article 18 (2) of the PADA. **It is recommended to address these gaps in the Act.**
50. Finally, it is noted that several provisions regarding gender-balanced representation refer to a threshold of at least 40% of one sex. While this reflects earlier approaches centred on achieving a “critical mass” (typically a target of 40%/60%),⁶⁸ CEDAW General Recommendation No. 40 goes further by recommending fifty-fifty parity between women and men in all their diversity in terms of equal access to and equal power within decision-making systems.⁶⁹ **It is recommended to amend the threshold of 40% to refer instead to fifty-fifty parity.**

RECOMMENDATION B

1. To ensure that the Act or other relevant laws already include specific general and special temporary measures, or at minimum, elaborate the objectives, guiding principles, minimum content and areas of interventions, where such measures are to be defined, and/or further elaborated and operationalized by the Government, while providing for mechanisms and procedures for effective parliamentary oversight and scrutiny of measures adopted by the government.
2. To consider expanding the range of entities that may adopt general and special measures.
3. To replace the threshold of at least 40% to refer instead to fifty-fifty parity.

6. GENDER MAINSTREAMING

51. To ensure that laws, policies, programmes and actions of public institutions do not disadvantage certain person due to their characteristics and foster substantive equality between women and men in all their diversity, a gender and diversity perspective should systematically be integrated into policy- and law-making processes.⁷⁰ This approach, commonly referred to as gender mainstreaming,⁷¹ implies ensuring that a gender equality

68 See e.g., CoE, Recommendation Rec (2003)3 of the Committee of Ministers to CoE Member States on the balanced participation of women and men in political and public decision-making, adopted on 30 April 2002. See also ODIHR Gender Parity Roadmap: Seven steps towards the equal and meaningful representation of women and men in politics (2025), p. 6.

69 See UN CEDAW Committee, General Recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems, para. 2. See also ODIHR Gender Parity Roadmap: Seven steps towards the equal and meaningful representation of women and men in politics (2025), p. 6.

70 See ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), para. 17 and Sub-Section IV.8.

71 Gender mainstreaming is an approach to policymaking and lawmaking that takes into account both women's and men's interests, experiences and concerns, and ensuring equal rights and opportunities for women and men in laws and policies, in all spheres of life, and equal access to resources and services within families, communities and in society. See e.g., UN, *Report of the Economic and Social Council*, 1997, which refers to “*the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated*”; Council of Europe, *What is*

perspective is incorporated into the development of policies, laws, strategic documents, programmes and actions of public institutions. It entails that the respective experiences, needs, and concerns of women and men – recognizing the diversity of different groups of women and men – are taken into account at all stages of the policy cycle, including during the design, discussion, adoption, implementation, monitoring and evaluation of policies.⁷²

52. Gender mainstreaming should be reflected and operationalized in GELs. It is good practice for GELs to include a general obligation to mainstream gender in policy and decision-making, and to elaborate relevant tools and mechanisms to support its implementation.⁷³ These tools and mechanisms may include: gender-balanced representation in public institutions, gender impact assessments of draft policies and laws, gender-sensitive legal drafting, gender audits of institutions, gender-responsive budgeting, disaggregated data collection, and inclusive public consultations.⁷⁴
53. In this respect, the Act includes only some limited tools and/or mechanisms to promote gender equality, essentially measures to ensure gender-balanced representation and the obligation of ministries to consult the ministry responsible for equal opportunities with respect to gender-related draft laws and other acts.⁷⁵ With regards to the legislative branch, the Act simply requires the National Assembly to consider gender balance in the composition of working bodies and delegations (Article 10 (2)) but does not establish obligations and mechanisms to systematically integrate gender perspectives into the law-making process, budgeting, policy evaluation, and parliamentary oversight, although such aspects could and should be addressed in the Rules of Procedure of the National Assembly.
54. Overall, the Act does not establish a sufficiently comprehensive framework for gender mainstreaming. The current provisions of the Act impose an obligation to mainstream gender in decision-making only on ministries and regional and municipal authorities. The Act however lacks a general obligation applicable to all public institutions, including the legislature, to integrate gender considerations in their decision-making processes. Unless provided elsewhere, this constitutes a significant gap, as it fails to ensure a whole-of-government approach and leaves the integration of a gender perspective in decision-making processes of other institutions to discretion or *ad hoc* practices. **To address this shortcoming, it is recommended to supplement the Act with a general obligation applicable to all public institutions to mainstream gender in their decision-making processes when planning, designing, and implementing policies, laws, other legal acts, decisions and programmes.**⁷⁶ The Act should also clearly define and precisely delineate the respective responsibilities of relevant actors, including the substantive

[gender mainstreaming?](#) - Gender Equality (coe.int), where the CoE defines gender mainstreaming as “*the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policymaking*”.

72 The BPfA further states in para. 79 that “*governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men, respectively*”.

73 See ODIHR, *Comparative Note on Gender Equality Laws Across the OSCE*, 26 February 2024, Sub-Section 2.7.

74 *Ibid.* para. 60. For instance, the newly adopted [Law No. 64/2025 on Gender Equality of Albania](#) addresses the use of inclusive gender-sensitive language, gender impact assessment, gender-responsive budgeting, gender-disaggregated data collection, in addition to parity in representation, etc.

75 In particular, it requires the Government to observe gender-balanced representation in the composition of executive bodies and in appointments to public law entities (Article 14 (1)). It also obliges ministries to take gender equality considerations into account when preparing regulations and to obtain the opinion and proposals of the ministry responsible for equal opportunities on draft laws and other acts relevant for the creation of equal opportunities, prior to their submission to the Government (Article 11 (2)). Similarly, regional and municipal institutions are required to consider gender-balanced representation in the composition of regional and municipal bodies and to take gender equality aspects into account when adopting measures and conducting activities relevant to the creation of equal opportunities (Article 29 (1)). They must also consider proposals for measures and activities proposed by equal opportunities coordinators appointed at the regional and municipal level (Article 29 (3)).

76 See ODIHR, *Comparative Note on Gender Equality Laws Across the OSCE*, 26 February 2024, para. 62.

- obligations to be fulfilled, the applicable procedural requirements and the conditions governing their implementation.
55. Furthermore, the Act neither elaborates nor requires the use of specific decision-making tools and mechanisms to ensure effective and systematic implementation of gender mainstreaming obligations. In this regard, it is good practice for GELs to require public institutions to use specific decision-making tools and mechanisms.
 56. Gender and diversity impact assessments, based on disaggregated data collection, help determine how contemplated policies and legislative solutions are likely to impact women and men, taking into account their diversity, and other groups, based on their personal characteristics.⁷⁷ These impact assessments estimate the positive, negative or neutral effects of a policy, law, programme, decision or activity in terms of gender and specific characteristics of certain groups. Unless already provided elsewhere, **consideration should be given to introducing in the Act a requirement that all draft laws and draft governmental and ministerial decrees be accompanied by a gender impact assessment.**⁷⁸
 57. Gender-responsive budgeting is another key tool for gender mainstreaming. It does not involve separate budgets for men and women, but rather ensures that public expenditures and fiscal policies take into account the needs and interests of individuals from different sex and social groups.⁷⁹ Gender-responsive budgeting helps ensure that public budgets contribute to the mitigation of inequalities and do not deepen them, while specifically addressing gender related considerations.⁸⁰ From a comparative perspective, certain pSs have introduced obligations for gender-responsive budgeting in their constitution⁸¹ or in their GELs.⁸²
 58. Inclusive public consultations, including with gender equality experts and civil society organizations, including those promoting gender equality,⁸³ are also essential to advancing gender mainstreaming in decision-making and throughout the policy and legislative cycle and providing meaningful opportunities for stakeholders to provide input.⁸⁴ Consultations should take place at various stages of the policy process, including the initial stage of problem identification, and throughout the legislative process as a draft policy evolves into a draft law, and as this draft law undergoes various amendments and additions. **While detailed procedures are often regulated in other legal acts – such as**

77 See ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), para. 156 ; ODIHR, *Comparative Note on Gender Equality Laws Across the OSCE*, 26 February 2024, para. 63.

78 See e.g., Victoria State (one of the constituent unit of Australia), *Gender Equality Act 2020*, Art. 9. On gender impact assessments, see also, European Institute for Gender Equality, *Gender Impact Assessment, Gender Mainstreaming Toolkit*, 2017.

79 See ODIHR, *Comparative Note on Gender Equality Laws Across the OSCE*, 26 February 2024, para. 62.

80 See ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), para. 225.

81 See e.g., *Constitution of Austria*, Arts. 13.3 and 51.8.

82 See ODIHR, *Comparative Note on Gender Equality Laws Across the OSCE*, 26 February 2024, para. 68. E.g., in **Serbia**, gender responsive budgeting is a general obligation of the public authorities and entails a gender-based analysis of the budget and to plan revenues and expenditures in a way that improves gender equality (see the Law on Gender Equality, Article 5 Gender responsive budgeting). In **Greece**, the budgets of the Ministries and legal entities under public law are expected to reflect the gender dimension in their preparation and in the accompanying actions (see Article 11 Gender mainstreaming in budgets). In **Canada**, the *Canadian Gender Budgeting Act 2018* introduces specific obligations to mainstream gender equality and diversity in the budget process: a) an obligation on the Minister of Finance to table before each House of Parliament a report on the impacts in terms of gender and diversity of all new budget measures, if an assessment of impacts is not included in the budget plan made public; b) an obligation of the Minister of Finance once a year to make available to the public analysis of impacts in terms of gender and diversity of tax expenditures; and c) an obligation of the President of the Treasury Board once a year to make available to the public analysis of impacts in terms of gender and diversity of the existing Government of Canada expenditure programs. A Statement and Impacts Report on gender, diversity and quality of life and the Budget 2023 Impacts Report are published on an annual basis. In **Albania**, Article 12 of the *Law No. 64/2025 on Gender Equality of Albania* requires all public institutions and local self-government units to implement gender-responsive budgeting in the planning, management, implementation, monitoring and evaluation of budgetary policies, as well as their programs, plans, and implementation projects, with the aim of allocating resources based on gender-specific needs.

83 ODIHR, *Comparative Note on Gender Equality Laws Across the OSCE*, 26 February 2024, para. 60. For instance, the newly adopted *Law No. 64/2025 on Gender Equality of Albania* addresses the use of inclusive gender-sensitive language, gender impact assessment, gender-responsive budgeting, gender-disaggregated data collection, in addition to parity in representation, etc.

84 See ODIHR, *Guidelines on Democratic Lawmaking for Better Laws*, 2024, paras. 149, 226. See also See Venice Commission, *Updated Rule of Law Checklist*, CDL-AD(2025)002, Part II.A.6.

the rules of procedures of the government and of the parliament and/or executive acts regulating decision-making in the executive branch – it is good practice for GELs to provide a general obligation for the legislature and the government to consult a wide array of stakeholders, including civil society organizations and gender experts, in their policy and decision-making processes.

59. Gender audits of specific public institutions constitute another important tool. They can be used to assess internal practices and identify measure to strengthen gender equality within public institutions.
60. Finally, gender consideration should also be reflected in the language used in laws, policies and official documents. Laws, policies and other decisions should be drafted in gender-sensitive language.⁸⁵ In this regard, consideration could be given to introduce in the Act or in other relevant legislation an obligation on the central co-ordinating body within the IMGE or the Advocate of the Principle of Equality to develop guidelines on gender-sensitive legal drafting.
61. **In light of the above, and in order to ensure effective and systematic implementation of gender mainstreaming, unless addressed in other laws, the Act should be supplemented by requiring all public institutions to use adequate decision-making tools and mechanisms, including a gender impact assessment to accompany all draft policies and draft laws, gender-responsive budgeting, the use of inclusive gender-sensitive language and gender-sensitive legal drafting, inclusive public consultations, gender audits of public institutions etc.⁸⁶ In addition, the central co-ordinating body within the IMGE could be explicitly tasked with developing methodologies and providing trainings on these tools to strengthen expertise across public institutions (see also para. 86 *infra*).**
62. **To ensure effective gender mainstreaming throughout the policy- and law-making cycle, the ministry responsible for gender equalities should be mandated to consider all draft policies' and laws' compliance with national and international gender equality standards and commitments, although this would require enhancing the financial and human capacity of the relevant division within the ministry to be able to perform the such tasks.⁸⁷ An effective regulatory oversight mechanism should also be in place to ensure quality control of gender impact assessments, including the inclusion of a gender impact analysis, and return draft laws to the initiator where they are inadequate or substandard.⁸⁸**
63. Finally, all legislative measures should also be accompanied by awareness-raising activities while being reviewed and reassessed regularly against their intended outcomes, to ensure they are effective in practice.⁸⁹

RECOMMENDATION C

85 See ODIHR, *Comparative Note on Gender Equality Laws Across the OSCE*, 26 February 2024, para. 66; and ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), para. 223. In Greece, the *Law on Substantive Gender Equality, Preventing and Combating Gender-Based Violence* adopted in 2019 provides: “*The use of expressions that include or imply gender discrimination in the drafting of administrative documents is prohibited*”. In Serbia, the new *Law on Gender Equality* adopted in 2021 defines “gender-sensitive language” as “a language that promotes the equality of women and men and a tool that influences the awareness of those who use that language in the direction of achieving equality, including changes in opinions, attitudes and behavior within the language they use in their personal and professional lives” and provides an obligation to use gender-sensitive language for public authorities with respect to the names of workplaces, positions, titles and occupations, as well as within the framework of their competences (Article 25), as well as for public authorities and employers performing tasks in the field of education and upbringing, science and technological development (Article 37) and public information media (Article 44).

86 See ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), para. 221.

87 See ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), para. 221.

88 See ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), para. 191.

89 See ODIHR *Gender Parity Roadmap: Seven steps towards the equal and meaningful representation of women and men in politics* (2025), p. 6.

To supplement the Act by requiring all public institutions to mainstream gender in their internal setup and processes as well as in their decision-making processes when planning, designing, and implementing policies, laws, other legal acts, decisions and programmes, while obliging that draft policies, laws and governmental and ministerial decrees be accompanied by gender impact assessments with effective mechanisms for returning the drafts that do not fulfil such a requirement, and elaborating other adequate tools and mechanisms – such as gender-responsive budgeting, the use of inclusive gender-sensitive language and gender-sensitive legal drafting, inclusive public consultations, gender audits – to support effective and systematic implementation of gender mainstreaming.

7. NATIONAL PROGRAMME FOR EQUAL OPPORTUNITIES FOR WOMEN AND MEN

64. The Act provides that a National Programme for Equal Opportunities for Women and Men (hereinafter “National programme”) should be prepared by the Government and adopted by the National Assembly (Article 15 (1)). The National Programme should define: the basic policies of equal opportunities; specific objectives across different areas of social life and measures to be adopted and implemented for their achievement; the authorities responsible for implementing these measures; the gender-disaggregated data to be collected, processed and stored; the methods for monitoring and reporting on the implementation of the National Programme; and the budget for the implementation of the measures and the arrangements for securing the funds (Article 15 (2)). The National Programme is to be supplemented by two-year action plans, prepared by the ministry responsible for equal opportunities, which define the activities necessary for the implementation of the National Programme (Article 16). The Government is required to report to the National Assembly on the implementation of the National Programme every two years (Article 17). These reports should list the measures and activities carried out during the reporting period (Article 17).
65. While the requirement to adopt a National Programme is consistent with international standards and good practices,⁹⁰ the provisions of the Act could be further strengthened and elaborated to enhance the National Programme’s effectiveness. **Notably, the Act could define the National Programme as a strategic, results-oriented instrument that aims to achieve substantive equality. To this end, the Act should require that the National Programme sets measurable objectives, with timelines and indicators for each objective to assess progress and impact.**
66. It is noted that Article 15 (2) identifies a number of areas to be covered by the National Programme, including labour relations, social and health care, education, family relations, violence against women, and gender representation in public life. While these are important domains, the provision does not sufficiently ensure systematic coverage of additional sectors which are essential to advance substantive and transformative equality. **Expanding the scope to include areas such as information and communication technologies, defence and security, environment and natural resource management, and the media, among others – while potentially requiring corresponding amendments to sectoral legislation – would contribute to a more comprehensive approach to advancing gender equality across all areas of public and private life. At the same time, the inclusion in the Act (or other applicable legislation) of more practical and targeted sectoral measures, to be implemented under the**

⁹⁰ See [Beijing Declaration and Platform for Action](#), 1995, para 230.(d) which call on states to “consider drawing up national action plans identifying steps to improve the promotion and protection of human rights, including the human rights of women”.

responsibility of the relevant ministries and public bodies, would support more effective implementation and facilitate clearer, measurable results.⁹¹

67. The two-year action plans, although intended as implementation tools, are limited in scope as they are simply required to outline activities for a two-year period for each area of social life. In addition, their preparation is largely driven by the ministry responsible for equal opportunities, with no explicit requirement for broader stakeholder involvement. **The Act could provide that these action plans should include the list of activities and measures to be conducted, the budget and source of funding, the authorities responsible, timelines, and corresponding results and indicators for each of them. The Act could also require that these action plans be developed by the ministry responsible for equal opportunities through meaningful and inclusive consultation with ministries, local authorities, civil society organizations, social partners and gender equality experts.**
68. Although the biennial reporting obligations on the Government facilitates legislative scrutiny of government actions and performance in the implementation of the National Programme, the Act does not require a qualitative assessment of outcomes, the use of intersectional data, or mechanisms to ensure that lessons learned inform subsequent policy cycles. Moreover, the reporting obligations do not include planned future activities, nor an obligation to identify emerging trends and issues in relation to gender equality. **The report should go beyond listing activities, and include an evaluation of outcomes, and recommendations for corrective action. The Act should also mandate that lessons learned from each reporting cycle are taken into account in subsequent action plans and National Programme, in order to foster continuous improvement and the achievement of substantive equality, rather than limiting the reporting and planning to a procedural exercise** (see also para. 106 and recommendation F.2 *infra* for greater detailed recommendations regarding reporting obligations).

8. INSTITUTIONAL FRAMEWORK

69. GELs should establish a set of institutions and mechanisms responsible for their implementation. The CEDAW and General Recommendations No. 28 require States Parties to put in place an institutional framework and mechanisms to pursue the realization of all obligations under the Convention and to allocate sufficient resources for that purpose.⁹² This includes setting up Institutional Mechanisms for Gender Equality (hereinafter “IMGEs”) within the executive branch of government,⁹³ independent oversight institution with a gender equality mandate,⁹⁴ and independent courts and tribunals to adjudicate individual cases. The BPfA underlines the fundamental role of a national machinery for the advancement of women and provides concrete recommendations for such mechanism to be effective. CoE Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms provides further

91 For instance, the newly adopted [Law No. 64/2025 on Gender Equality of Albania](#) refers to “all areas of public and private life” while then further elaborating on the specific measures to be applied in the specific sectors, including employment/labour, education, decision-making, information and communication technologies and information society, public information and the media, agriculture and rural development sectors, sport, social protection and health, defence and security, transport, infrastructure and urban planning, energy, environmental protection and natural resource management, culture and art.

92 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE](#), 26 February 2024, para. 73

93 For a comparative overview of Institutional Mechanisms for Gender Equality in the OSCE region, see ODIHR, [Institutional Mechanisms as Critical Actors for Gender Equality: a Review from the OSCE Region](#), 2023.

94 Such as by establishing independent equality bodies or women’s commissions, or ensuring that existing bodies such as NHRIs receive a mandate to promote and protect the rights guaranteed under the CEDAW; see CEDAW Committee, [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW](#), para. 28.

guidance regarding IMGES.⁹⁵ In addition, some standards focus on mandating an equality body with prevention and protection against sex- and gender-based discrimination.⁹⁶

70. A comprehensive institutional framework for gender equality should comprise multiple levels of bodies, including governmental institutions, focal points, parliamentary bodies, independent monitoring and advisory institutions, as well as bodies at the regional and local levels. These institutions and mechanisms should be effective, operational, and equipped with adequate financial and human resources. Their respective mandates should be clearly defined to avoid overlap or conflict, while enabling effective co-ordination and co-operation towards the joint goal of achieving equality. In this respect, it is essential that GELs identify the responsible bodies, delineate their respective roles and responsibilities, define their composition and selection procedures, and establish modalities of co-operation and co-ordination.⁹⁷
71. The Act has several provisions from which certain elements of the national institutional framework for gender equality can be identified. Additional components of this institutional framework are set out in related legislation, mainly in the PADA⁹⁸ and the Human Rights Ombudsman Act.⁹⁹

8.1. Institutional Mechanisms for Gender Equality (IMGES)

72. Under the Act, the IMGE within the executive branch is centred on the Government and a designated ministry responsible for equal opportunities, supported by co-ordinators in ministries and regional and local executive structures, and guided by a National Programme adopted by the National Assembly.
73. As per Article 11 (1) of the Act, the promotion and creation of equal opportunities under this Act are primarily the tasks of the Government and ministries. The Government is

95 See Council of Europe, [Recommendation CM/Rec\(2007\)17 of the Committee of Ministers to member states on gender equality standards and mechanisms](#), para. 72, which points to some basic requirements for the creation, reinforcement or effective functioning of these mechanisms building upon those requested by the Beijing Platform for Action as follows: “(ii) that gender equality mechanisms be at the highest political level; more specifically, that the national co-ordinating unit be at the highest level of government, under the direct responsibility of the president, prime minister or cabinet minister, and that units or focal points be set up within ministries or other government departments or within regional and local power structures, at the highest level of those departments and structures; (iii) that institutional mechanisms have the necessary authority, visibility, political recognition, necessary funding and human resources, and that their action is fully supported by political power at the different levels of its exercise; (iv) that the overall structure of gender equality machinery includes an interdepartmental/inter-ministerial structure with high level representatives with decision-making powers from all relevant policy areas in order to ensure the effective functioning of the process of gender mainstreaming; (v) that the mandate of institutional mechanisms has a clear legal basis with well-defined functions and responsibilities; and that these necessarily include the dual-track approach to gender equality work: 1. specific policies and actions, including positive action when appropriate, in critical areas for the advancement of women and for gender equality; 2. promotion, monitoring, co-ordination and evaluation of the process of gender mainstreaming in all policies and programmes; (vi) that institutional mechanisms develop gender expertise both within themselves and as capacity builders for gender equality at different levels of government and administration and for that purpose develop methods, instruments and tools for gender analysis/gender impact assessment and gender budgeting, as well as training on gender equality and the use of these methods, instruments and tools; (vii) that resources for the core operational costs of institutional mechanisms – staff, facilities, regular functioning of the institution – are the sole responsibility of the state, even if funding for specific actions and projects can also be found from various sources; (viii) that institutional mechanisms establish formal and informal links of co-operation with other public institutions and administrations in general; (ix) that institutional mechanisms establish formal and informal links of co-operation with a wide range of civil society organisations, namely women’s and human rights NGOs, the media, the research and academic community, social partners and other relevant social actors, as well as with international and European organisations pursuing gender equality objectives; (x) that mechanisms for gender equality are established at parliamentary level, as well as independent agencies and other bodies, such as ombudspersons that may receive complaints for discrimination on the basis of sex”. The Recommendation also underline that elements indicating states’ political will and commitment to gender equality in this regard include the existence of a clear mandate of gender equality institutions and other relevant institutions to monitor the implementation of the principle of the use of non-sexist language (para. 18).

96 For instance, the [2004 Goods and Services EU Directive](#) prescribes that equality bodies shall ensure “promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex” and provide independent assistance to victims of discrimination in pursuing their complaints about discrimination, conduct independent surveys concerning discrimination, and publish independent reports and making recommendations on any issue relating to such discrimination (Article 12).

97 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 77. See also ODIHR, [Opinion on the Draft Law on Introducing Changes and Amendments to the Law of the Kyrgyz Republic on State Guarantees for Ensuring Gender Equality](#), para. 47.

98 See Republic of Slovenia, [Protection Against Discrimination Act \(ZVarD\)](#), Official Gazette of the Republic of Slovenia, Nos. 33/16 and 21/18 – ZNOrg), May 2016.

99 See Republic of Slovenia, [Human Rights Ombudsman Act \(ZVarCP\)](#), adopted in 1993 and amended in 1994, 2012 and 2017.

tasked with implementing the objectives of the Act through the adoption of general and special temporary measures (Article 11 (1)), observing balanced gender representation (i.e., at least 40 per cent representation of one gender) in the composition of executive bodies and in appointments to public law entities (Article 14), submitting the National Programme to the National Assembly for adoption (Article 15 (1)), and reporting to the National Assembly on its implementation every two years (Article 17).

74. The ministry responsible for equal opportunities plays a central role within the IMGE, encompassing policy-making, advisory, planning, co-ordination, monitoring, reporting and financing responsibilities. More specifically, it is tasked with proposing the adoption or amendment of laws, regulations and measures to the government and other ministries, and with providing opinions on draft laws and measures prepared by ministries (Articles 11 (2) and 18 (1)). It monitors the implementation of the Act and measures adopted on its basis, as well as developments across different areas of social life from a gender equality perspective (Article 18 (1)). The ministry responsible for equal opportunities also co-ordinates the preparation of the National Programme and monitors its implementation, and prepares biennial action plans for its execution (Articles 16 and 18 (1)). It co-ordinates activities to promote the principle of gender equality, including by providing expert support on appropriate methods and tools (Article 18 (1)). In addition, it oversees the preparation of reports on international obligations in this field, conducts research, co-operates with non-governmental organizations, and co-finances their projects and activities (Article 18 (1)). The designation of such a central co-ordinating body – the ministry responsible for equal opportunities – at a high level of government, under the authority of a cabinet minister, in principle provides a solid institutional foundation for advancing gender mainstreaming in the executive branch. The policy development, advisory, legislative as well as co-ordination and monitoring functions of this body have the potential to promote consistent integration of gender equality considerations into decision-making processes across government.
75. Each ministry is required to appoint a co-ordinator for equal opportunities, responsible for implementing the tasks assigned to that ministry under this Act, the National Programme and periodic plans, and for co-operating with the ministry responsible for equal opportunities (Article 13). The establishment of equal opportunities co-ordinators within ministries, combined with the possibility of appointing similar co-ordinators at regional and municipal levels, contributes to the development of a multi-level institutional structure for gender equality. This structure may facilitate the horizontal and vertical integration of gender equality objectives and supports the mainstreaming of gender perspectives across different policy areas and levels of government. The Act also equips executive authorities which are part of the IMGE with concrete planning and implementation tools – such as the adoption of the National Programme and of general and special temporary measures – providing an operational basis for the implementation of the Act.
76. At the regional and municipal levels of government, authorities are also tasked with promoting and creating equal opportunities within the scope of their responsibilities (Article 13 (1)). They are required to take into account the principle of balanced gender representation (i.e., at least 40 per cent representation of one gender) in appointments to public law entities (Article 30.a). They may have equal opportunities co-ordinators, whose proposals for measures and activities should be taken into account in development planning and decision-making (Article 29 (2) and 29 (3)). In cooperation with the ministry responsible for equal opportunities, Regional and municipal co-ordinators participate in the preparation and implementation of the National Programme in policy areas falling under the responsibilities of decentralised levels of government. They also

propose measures and activities and play an advisory role in developing solutions for achieving the objective of the Act (Article 29 (2)).

77. **Overall, the provisions of the Act establishing the IMGE within the executive branch assign important policy, co-ordination and monitoring functions to various executive bodies across different levels of government. While this arrangement has commendable features and integrates several elements associated with effective IMGES within the executive branch, certain components could be further elaborated and strengthened in order to align with international and regional standards on IMGES and reflect important elements of good practices.**
78. In particular, while the provisions of the Act regulating the IMGE focus primarily on programmatic planning and advisory roles, they provide no or limited guarantees regarding decision-making powers and procedures, enforcement powers and accountability measures for non-compliance, the allocation of adequate financial and human resources, and the need to strengthen gender equality expertise within the IMGE and across the public administration, all of which are core requirements under international standards and key elements required for an effective gender equality institutional infrastructure.
79. First, while the Act grants the ministry responsible for equal opportunities a central role in the IMGE, its current position within the executive as a division under a ministry may not necessarily guarantee the authority to effectively exercise its mandate and influence the development of government policies and draft legislation across sectors.¹⁰⁰ Consideration could therefore be given to elevating its institutional placement, for example at the level of the Prime Minister's Office or as a dedicated ministerial function, in order to strengthen its co-ordinating and oversight role. In any case, the Act could more precisely elaborate the co-ordination functions of this body to ensure it has the necessary authority while specifying whether this is a standalone permanent ministry or a portfolio to be integrated under a ministry with other additional portfolio upon decision of the Government, specify key parameters of the structure of the coordination unit under that ministry and prescribe that it is under direct supervision of the line minister.
80. Second, the Act could require, rather than simply allow, the appointment of equal opportunity co-ordinators at regional and municipal levels. This would help ensure that gender equality considerations are systematically integrated into decision-making processes at all levels of government, including sub-national.
81. Third, the Act could provide explicit guarantees for the allocation of adequate human and financial resources to support the effective functioning of the IMGE across all administrative levels.
82. Fourth, the Act could also regulate certain decision-making procedures, in particular with regard to the adoption of general and special temporary measures or make a cross-reference to applicable legislation that regulates this matter, such as the PADA. The absence of such procedural provisions – following the removal of Section III of the Act – risks limiting the transparency and inclusiveness of these decision-making processes, which may in turn impact the effectiveness such measures. Such procedural provisions should introduce mandatory consultations with relevant actors, including civil society, and gender impact assessments as part of policy and legislative processes.
83. **Fifth, unless already regulated elsewhere, the Act could also further elaborate modalities of co-operation among the various executive actors involved in the IMGE.** For example, consideration could be given to establish in the Act a formal inter-

100 [Beijing Declaration and Platform for Action \(BPfA\)](#), para. 201.

ministerial co-ordination structure at a high political level endowed with decision-making authority. **If such option is pursued, it would be important to ensure in the Act a precise demarcation and identification of the responsible bodies, their respective roles and responsibilities, composition, modalities of appointment, and responsibilities, as well as modalities of co-operation and co-ordination.**¹⁰¹

84. In addition, the Act should grant any central co-ordinating body with appropriate enforcement powers to ensure that public institutions comply with their obligations under the Act and the National Programme. This could include the authority to follow up with public authorities and request explanation, issue formal notifications and warnings. The central co-ordinating body should have the authority to initiate accountability procedures in cases of non-compliance. Such accountability mechanisms could include the power to review, and to request the annulment or reconsideration of decisions – for example, in cases where appointments fail to respect the principle of balanced gender representation – and the authority to refer matters to the competent disciplinary bodies where breaches may give rise to disciplinary liability (see also Sub-Section 10 *infra*).
85. As noted above, the fact that the tasks assigned to central government and ministries remain general in nature may not be conducive to effective implementation by sectoral ministries, and they may not necessarily be tailored to the specificities of different sectors. The Act (or relevant sectoral legislation) would benefit from further elaboration, including by introducing more practical and targeted sectoral measures, to be implemented under the responsibility of the respective ministries and public bodies, which should support more effective implementation and facilitate clearer, measurable results.¹⁰²
86. Finally, the central co-ordinating body could be explicitly tasked with developing tools, methodologies, and training programmes aimed at strengthening gender expertise both within the IMGE and across the public administration, including in areas such as gender analysis, gender impact assessment, and gender-responsive budgeting.

RECOMMENDATION D

1. To strengthen the institutional mechanisms for gender equality within the executive branch by considering elevating the institutional placement of the central co-ordinating body responsible for equal opportunities in order to strengthen its co-ordinating and oversight role across all sectors, while assessing whether an inter-ministerial co-ordination structure should be set up in which case a precise demarcation and identification of the responsible bodies, their respective roles and responsibilities, composition, modalities of appointment, and responsibilities, as well as modalities of co-operation and co-ordination should be elaborated in the Act.
2. To grant adequate decision-making powers to executive authorities which are part of the IMGEs, elaborating decision-making procedures, granting enforcement powers and accountability mechanisms to central co-ordinating body responsible for equal opportunities for cases of non-compliance by public authorities.

101 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 77. See also [ODIHR Opinion on the Draft Law on Introducing Changes and Amendments to the Law of the Kyrgyz Republic on State Guarantees for Ensuring Gender Equality](#), para. 47.

102 For instance, the newly adopted [Law No. 64/2025 on Gender Equality of Albania](#) refers to “all areas of public and private life” while then further elaborating on the specific measures to be applied in the specific sectors, including employment/labour, education, decision-making, information and communication technologies and information society, public information and the media, agriculture and rural development sectors, sport, social protection and health, defence and security, transport, infrastructure and urban planning, energy, environmental protection and natural resource management, culture and art.

3. To provide guarantees for the allocation of adequate financial and human resources, and tasking the central co-ordinating body responsible for equal opportunities to strengthen gender equality expertise within the IMGE and across the public administration through capacity building, development of tools and awareness-raising.
4. To consider further elaborating in the Act (or relevant sectoral legislation) practical and targeted sectoral measures, with corresponding measurables and timebound objectives, tailored to the specificities of different sectors, to be implemented under the responsibility of the respective ministries and public bodies.

8.2. Parliamentary Bodies

87. The Act does not grant a comprehensive mandate to the National Assembly with regard to the implementation of the Act or the achievement of gender equality more broadly. The Act simply provides that the National Assembly shall adopt the National Programme submitted by the Government (Article 10 (1)) and shall take into account the principle of balanced gender representation in the formation of its working bodies and delegations (Article 10 (2)). It is noted that the National Assembly comprises a Committee for Petition, Human Rights and Equal Opportunities responsible for, among others, monitoring “*issues relating to the implementation of the policy of equal opportunities*” and considering “*bills and other acts relating to human rights and fundamental freedoms and ensuring equal opportunities*”.¹⁰³
88. Parliamentary committees play a key role in the policy and law-making process to ensure the proper implementation of GELs and effective implementation of international/regional gender equality standards and recommendations.¹⁰⁴ In some countries, GELs provide a clear mandate for parliaments in the area of gender equality.¹⁰⁵ At times, GELs also foresee the existence of a gender equality parliamentary committee (hereinafter “GEC”) and its competencies.¹⁰⁶ More commonly, such committees are established either by parliament’s rules of procedure, or by parliamentary act in

¹⁰³ See National Assembly of Slovenia, [Ordinance on the Establishment and Tasks of the Working Bodies of the National Assembly \(ODUNDTDZ8\)](#), enacted on 26 May 2022, Art. II.1.

¹⁰⁴ See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 80.

¹⁰⁵ For example, in **Ukraine**, according to Article 9 of the [Law on Ensuring Equal Rights and Opportunities for Women and Men](#), the Parliament of Ukraine (Verkhovna Rada) is mandated to define the basic principles of the state's gender policy; apply the principle of ensuring equal rights and opportunities of women and men in legislative activities; within the limits stipulated by the Constitution of Ukraine, carry out parliamentary control over the implementation of legislative acts on ensuring equal rights and opportunities for men and women and. In the **Kyrgyz Republic**, according to the [Law on State Guarantees of Equal Rights and Equal Opportunities for Men and Women](#), the Parliament (Jogorku Kenesh), through the adoption of laws, forms the legal basis for the state policy of gender equality in all spheres of state and public life. The Jogorku Kenesh, within its competence, taking into account the representation of no more than seventy percent of persons of the same sex: on the proposal of the President, elects judges of the Supreme Court (including judges of the Constitutional Chamber of the Supreme Court); approves the composition of the Council for the Selection of Judges; elects members of the Central Commission for Elections and Referendums; elects members of the Accounts Chamber; elects deputy Akyikatchy (Ombudsman) on the recommendation of the Akyykatchy (Ombudsperson)

¹⁰⁶ In **North Macedonia**, Article 9(4) of the [Law on Equal Opportunities for Women and Men](#) mandates the [Parliament of North Macedonia](#) (the Assembly) to form and define the composition and the competences of the Commission for Equal Opportunities for Women and Men as a standing working body. The Commission for Equal Opportunities for Women and Men shall undertake the following activities: review the draft laws and other regulations adopted by the Assembly in the spheres referred to in Article 1 paragraph (2) of this Law, the Budget of the Republic of North Macedonia, as well as other draft laws and regulations with regard to the inclusion of the gender concept therein, review of the draft strategy for gender equality, monitor the adoption and application of the basic and special measures for establishment of equal opportunities for women and men in all the spheres of the public and private sector, monitor the system of measures for elimination of the unequal treatment for women and men, adopt amendments to laws and other regulations in the field of equal opportunities for women and men, exercise care for consistent implementation of the provisions of this Law and other laws in the field of equal opportunities for women and men and non-discrimination, promote cooperation among competent bodies on issues related to equal opportunities for women and men, raise initiatives and take actions against application of gender stereotypes and prejudices in the public life, provide information on regular basis to the Assembly with regard to all matters related to equal opportunities for women and men.

accordance with the provisions of the parliament's rules of procedure regulating the establishment of parliamentary committees, as is the case in Slovenia.¹⁰⁷

89. To ensure effective gender-sensitive parliamentary scrutiny, it is generally recommended to require that all draft laws submitted to parliament include a gender impact assessment and the absence of one should justify the draft's return to the initiator (see paras. 56, 61 and recommendation C supra).¹⁰⁸ In addition, the GEC should be mandated to consider all draft laws' compliance with national and international gender equality commitments prior to their consideration in plenary.¹⁰⁹ The opinions of the GEC should be submitted to the lead committee for consideration. Furthermore, parliaments should have the mandate and capacities to conduct *ex post* evaluations of existing legislation, including from a gender equality perspective, to determine whether it should be maintained, amended or repealed.
90. **Although this goes beyond the scope of the present Opinion, and unless already provided for in other legal instruments, consideration could be given to strengthening the mandate of the Committee for Petition, Human Rights and Equal Opportunities. This could be achieved by providing, in relevant legal instrument(s) of the National Assembly, that the Committee is mandated to review the compliance of all draft laws with national and international gender equality standards and commitments, to assess the gender impact assessments of all draft laws, and to conduct or contribute to *ex post* assessments of legislation from a gender equality perspective.**

8.3. The Human Rights Ombudsman and the Advocate for the Principle of Equality

91. International and regional standards require States to also establish independent institutions – such as national human rights institutions or equality bodies – and to entrust them with mandates to promote, monitor, support and protect equal treatment of all persons without discrimination on the grounds of sex and gender taken alone or in combination with other protected grounds.¹¹⁰
92. The legal framework for non-discrimination and gender equality in Slovenia provides for two independent oversight institutions. First, the Constitution establishes the Human Rights Ombudsman (Article 159 of the Constitution). Under the Human Rights Ombudsman Act, this institution – which has been accredited with A-status¹¹¹ – is mandated to contribute to the protection and promotion of human rights and fundamental freedoms, including the right to equality before the law.¹¹² Second, the PADA establishes

107 The Committee for Petition, Human Rights and Equal Opportunities is established, and its mandate is defined by, the [Ordinance on the Establishment and Tasks of the Working Bodies of the National Assembly \(ODUNDTDZ8\)](#), which is an act of the National Assembly issued on the basis of its rules of procedure – see Arts. 2(2), 32 and 33 of the [Rules of Procedure of the National Assembly of Slovenia](#).

108 See e.g., ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 81; ODIHR, [Preliminary Opinion on the Legal Framework Governing the Legislative Process in Montenegro](#) (2023), para. 151. See also ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), para. 159.

109 See e.g., ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 81.

110 See CEDAW Committee, [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW](#), para. 28 which requires states to ensure that “*independent monitoring institutions, such as national human rights institutes or independent women's commissions, are established or that existing national institutes receive a mandate to promote and protect the rights guaranteed under the Convention*”. See also the [2004 Goods and Services EU Directive](#), art. 12 which prescribes that “*Member States shall designate and make the necessary arrangements for a body or bodies for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex*”. Such body shall also provide independent assistance to victims of discrimination in pursuing their complaints about discrimination, conduct independent surveys concerning discrimination, and publish independent reports and making recommendations on any issue relating to such discrimination (art. 12).

111 See [<sca-46th-session-creditation-chart-24122025.pdf>](#).

112 Its functions include, among others: investigating complaints from individuals who allege violations of their rights by state authorities or holders of public authority (Article 26); submitting opinions and recommendations to any state authority (Articles 25 and 39), proposing amendments to laws and other regulations (Article 45); addressing pressing human rights issues (Article 9), conducting on-site inspections of places of detention (Article 42); conducting research and human rights education activities (Article 50.b(2));

the Advocate of the Principle of Equality (hereinafter “the Advocate”). The Advocate provides legal assistance to persons subjected to discrimination when enforcing their rights regarding protection against discrimination in administrative and judicial proceedings, carries out independent research in the area of protection against discrimination, publishes reports and issues recommendations to state authorities, local communities, employers, economic operators and other entities regarding the position of persons with a certain personal circumstance, conducts inspections to assess compliance with anti-discrimination obligations, monitors the situation in the field of protection against discrimination and propose the adoption of special measures to improve the situation of people who are in a disadvantaged position due to certain personal circumstances (Article 21 PADA).¹¹³ In contrast to the work of the Human Rights Ombudsman, the work of the Advocate is not limited only to ensuring protection against possible discriminatory actions and practices in the public sector, but also extends to the private sector.

93. The Act under review makes only limited reference to these institutions. It merely provides that the Human Rights Ombudsman should “*make a special effort to achieve the creation of equal opportunities*” when dealing with cases concerning the right to gender equality before the law and when reporting on its work (Article 32 of the Act). Importantly, it makes no reference to the Advocate.¹¹⁴ In this context, it would be important for the Act to more clearly articulate the respective roles of these institutions within its implementation framework, even if by cross-reference to their mandates as defined in the relevant applicable legislation. Clarifying their functions in relation to the Act specifically (or further elaborating such provisions in the underlying legislation¹¹⁵) – such as monitoring implementation and compliance, conducting inspections and research, reporting on gender equality, and contributing to the development of the National Programme and related legal reforms – would help ensure a more coherent and effective institutional framework. **The Act could also foresee modalities of co-ordination and co-operation between these independent oversight institutions, and ensure that there is a clear delineation of responsibilities vis-à-vis the Act to avoid overlap.**
94. Finally, while the Human Rights Ombudsman and the Advocate have partially overlapping competences regarding the protection against discrimination in the public sector, the relevant legal framework – i.e., the Human Rights Ombudsman Act, the PADA, and the Act under review – does not regulate the relationship between these two institutions. In particular, it appears that individuals may submit complaints to both bodies in relation to the same alleged discrimination, with no provisions addressing potential duplication of proceedings or the risk of divergent findings in the same case. This may create legal uncertainty and undermine the effectiveness of the institutional framework for non-discrimination and gender equality. **To address this, the respective mandates of the two institutions could be more clearly delineated, especially in relation to discrimination in the public sector, and/or to establishing formal co-ordination and referral mechanisms.**

8.4. Social Partners, Non-Governmental Organizations and the Media

cooperating and organizing consultations with civil society, trade unions and public authorities (Article 50.b(2)); and submitting reports to the National Assembly about its work and human rights situation in the country (Article 43); see Republic of Slovenia, [Human Rights Ombudsman Act](#) (ZVarCP), adopted in 1993 and amended in 1994, 2012 and 2017.

113 See Republic of Slovenia, [Protection Against Discrimination Act](#) (ZVarD), Official Gazette of the Republic of Slovenia, Nos. 33/16 and 21/18 – ZNOrg), May 2016.

114 While the Act was adopted in July 2002 (last amended in October 2019) and the PADA was enacted later, in May 2016, the Act has not been amended to reflect the establishment of the Advocate under the PADA.

115 See e.g., ODIHR, [Opinion on the Draft Law of Albania on the People’s Advocate](#) (2026), para. 28.

95. Besides state institutions, the Act also assigns a role to non-state actors in its implementation. Article 3 requires the Government and ministries to “*cooperate with social partners and non-governmental organizations active in the field of equal opportunities in formulating solutions and proposals for achieving the purpose of this Act*”. Article 15 foresees the contribution of “*social partners, non-governmental organizations, other civil society organization as well as individual experts*” to the preparation of the National Programme through the submission of proposals. Article 18 requires the ministry responsible for equal opportunities to co-operate with non-governmental organizations working in the field of equal opportunities and co-finance their activities.
96. **While it is commendable that the Act foresees the involvement of social partners and non-governmental organization and oblige relevant executive authorities to co-operate with them, the range of non-state actors could be broadened so as to include also private enterprises. Also, unless regulated in the Government’s Rule of Procedure and Rules of Procedure of Parliament or in other relevant legal instruments, the initiator of a draft law and competent parliamentary committees should be required to consult a wide and varied array of stakeholders from all spheres of public and private life, including gender equality experts, civil society (in particular organizations promoting gender equality and women’s rights), and also representatives of minority communities and disadvantaged groups at all stages of the law-making process** (see also Section 12 *infra* on the process for amending the Act).
97. Importantly, the Act does not make reference to the media whereas it plays a key role in dismantling gender stereotypes while also ensuring equal visibility and valorisation of women and their objective portrayal.¹¹⁶ **It is recommended to supplement the Act (or relevant sectoral legislation) with dedicated provisions requiring the media to contribute, through their programming and content, to the promotion of gender equality and balanced representation in media content, to ensure non-discriminatory, non-degrading and non-stereotypical portrayal of persons on the grounds of sex, gender, gender identity, and gender expression and ensure accountability for sexism and misogyny, and to mandate the competent media regulatory authority to monitor such portrayals, conduct regular gender analyses of media content and respective representation of women and men in the media (and in which capacities),¹¹⁷ publicly report on its findings and submit them to the parliament.¹¹⁸ In addition, the Act or relevant sectoral legislation should also require parity in editorial boards and media regulatory bodies.¹¹⁹**

RECOMMENDATION E

1. Unless regulated in the Government’s Rules of Procedure and Rules of Procedure of Parliament or in other relevant legal instruments, to require the initiator of a draft law and the competent parliamentary committee to consult a wide and diverse array of stakeholders from all spheres of public and private life, including gender equality experts, civil society (in particular organizations promoting gender equality and women’s rights), and also representatives of minority communities and disadvantaged groups at all stages of the law-making process.

116 See UN CEDAW Committee, [General Recommendation No. 40 \(2024\) on the equal and inclusive representation of women in decision-making systems](#), paras. 30-31.

117 See e.g., in France, [annual reports](#) of the National Regulatory Authority on the representation of women in audiovisual programmes that contribute to information.

118 See UN CEDAW Committee, [General Recommendation No. 40 \(2024\) on the equal and inclusive representation of women in decision-making systems](#), paras. 30-31.

119 See UN CEDAW Committee, [General Recommendation No. 40 \(2024\) on the equal and inclusive representation of women in decision-making systems](#), paras. 30-31.

2. To supplement the Act (or sectoral legislation) with dedicated provisions requiring the media to contribute, through its programming and content, to the promotion of gender equality and balanced representation in media content, to ensure non-discriminatory, non-degrading and non-stereotypical portrayal of persons on the grounds of sex, gender, gender identity, and gender expression and ensure accountability for sexism and misogyny, and to mandate the competent media regulatory authority to monitor such portrayals, conduct regular gender analyses of media content and respective representation of women and men in the media (and in which capacities), publicly report on its findings and submit them to parliament, while also requiring parity in editorial boards and media regulatory bodies.

9. REPORTING, MONITORING AND EVALUATION MECHANISMS

98. To make sure that a GEL is effective, remains responsive to the evolving needs and challenges of the national context, and achieves its intended results, its implementation needs to be consistently monitored, reviewed and evaluated.¹²⁰ In this respect, GELs should prescribe specific mechanisms to report on, monitor, review and evaluate progress in the implementation of the legislation, as well as in advancing gender equality more broadly.¹²¹

9.1. Gender-Disaggregated Data Collection

99. The collection, processing, and publication of gender-disaggregated data, with further disaggregation taking into consideration other characteristics,¹²² are essential for effectively monitoring and evaluating the implementation and impact of GELs.¹²³ Such data enables the identification of structural inequalities and differential impacts of policy measures across genders in various areas of life, facilitates comparisons over time, and help identify progress, stagnation or regression in certain areas. This supports evidence-based policymaking and may inform the design and adjustment of specific gender equality measures, as well as potential legislative amendments of GELs.
100. General Recommendation No. 9 of the CEDAW Committee highlights that statistical information is absolutely necessary in order to understand the real situation of women and help policymakers to formulate policies and plans, monitor changes and inform the public.¹²⁴ Furthermore, General Recommendation No. 28 of the CEDAW Committee requires State parties to create statistical databases and to analyze all forms of discrimination against women in general and against women belonging to specific vulnerable groups in particular.¹²⁵ Analyzing and addressing intersectional discrimination requires the collection of data disaggregated not only by sex or gender, but also by other characteristics, such as age, race, colour, sexual orientation, disability, religion, political

120 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, paras. 94, 97, 99 and 100. Monitoring compliance is the process of overseeing whether the respective actors (state and private bodies, entities, individuals etc.) are complying with the obligations and duties in the area of gender equality that have been put on them. Review is an interim assessment of the “working” of the law, and evaluation takes a broader perspective and appraises the law comprehensively in relation to its objectives.

121 See e.g., OSCE, [Action Plan for the Promotion of Gender Equality](#), adopted by the Decision No. 14/04 of 7 December 2004, para.42, which recommends OSCE pSs to utilize gender analysis and monitoring mechanisms to assess the impact of gender policies and strategies, so that constraints on their full implementation may be identified and addressed.

122 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 69.

123 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, Sub-Section 2.7.5.

124 See CEDAW General Recommendation No. 9: *Statistical data concerning the situation of women*, 1989.

125 See CEDAW General Recommendation No. 28: *on the core obligations of State parties under article 2 of the CEDAW*, 2010, para. 10 which states that “States parties have an international responsibility to create and continuously improve statistical databases and the analysis of all forms of discrimination against women in general and against women belonging to specific vulnerable groups in particular”.

or other opinion, national or social origin, migration status, or other status. From a comparative perspective, several GELs specifically provide for the collection of sex or gender disaggregated data, at times further disaggregated taking into consideration other characteristics, such as age.¹²⁶ It is a good practice to designate specific entities with specific obligations to collect and keep sex and gender disaggregated data for their respective areas of responsibility.

101. The Act does not explicitly impose an obligation for state authorities to collect, process and publish gender-disaggregated data. Instead, it defers to the National Programme to “*define the data that will be collected, processed, linked, stored, analysed, and reported separately by gender in the context of national statistics, surveys, or opinion polls*” (Article 15 (2)).
102. While it is positive that the Act requires that the scope of data collection be defined in the National Programme, this arrangement may not provide a sufficiently robust and consistent legal basis for systematic data collection. Reliance on a policy document may lead to gaps in data coverage, inconsistencies in the scope of data to be collected across successive National Programmes, and limited accountability for non-compliance. Instead, it is advisable to include in the Act itself (or other applicable legislation regarding national statistics) an obligation requiring the regular collection processing, and publication of a core set of gender-disaggregated data, especially for policy areas that are explicitly regulated in the Act, such as the gender balanced representation in public bodies (Articles 14 and 30.a of the Act). Such a provision should also identify the relevant institutions responsible for data collection, define the frequency of data collection, and require their publication and public availability. Embedding these requirements at the legislative level would help ensure continuity, comparability, and enforceability, while reducing the risk that data collection is unevenly implemented over time. The National Programme could then complement these legislative provisions by specifying additional data collection requirements to monitor and assess the impact of particular policy priorities or measures made therein.
103. **Therefore, it is recommended to include in the Act (or other applicable legislation regarding national statistics) dedicated provisions on data collection establishing a clear legal obligation for all relevant actors to collect statistical data disaggregated by gender, and other characteristics, within their respective areas of competence,**

126 In Greece, public services, legal persons under public law and legal persons under private law are obliged to collect and keep gender-based statistics for their areas of responsibility and send this data to the Documentation, Research and Digital Support Department (Observatory) of the former General Secretariat of Gender Equality (see the [Law on Substantive Gender Equality, Preventing and Combating Gender-Based Violence](#), Article 13 Keeping of statistics). In Spain, public authorities, in the elaboration of their studies and statistics are obliged to a) Systematically include the sex variable in any statistics, surveys or data gathering in which they engage b) Establish and include new statistical indicators that provide for a fuller understanding of the differences in values, roles, situations, conditions, aspirations and needs of women and men, and their expression and interaction in the reality analysed; c) Design and introduce the indicators and mechanisms required to ascertain the effect of other variables whose concurrence generates multiple discrimination in the different domains where action is taken; d) Take sufficiently large samples for the variables studied to be exploited and analysed in terms of the sex variable; e) Mine the data available to acquire an understanding of the different situations, conditions, aspirations and needs of women and men in the various areas where action is taken; f) Review and revise existing statistical definitions to contribute to the recognition and reevaluation of women’s work and avoid the adverse stereotyping of certain communities of women. Failure to comply with any of the above obligations may be justified, only exceptionally, via a reasoned report to the competent body. The National Statistical Institute and other public bodies are under an obligation under the Equality Act to collect sex-disaggregated data. The state statistical authority has a special website section on gender statistics in a number of areas in public life, including employment, health, education, and so on. It also publishes a special annual report on women and men in Spain. According to Article 8 of the [Law on State Guarantees of Equal Rights and Equal Opportunities for Men and Women](#), the collection of information on gender statistics in the **Kyrgyz Republic** is managed by the National Statistical Committee. State bodies, local government bodies and heads of legal entities, regardless of their form of ownership, are required to submit relevant information on gender issues to the National Statistical Committee. In **Uzbekistan**, Article 8 of the [Law on Guarantees of Equal Rights and Opportunities for Women and Men](#) provides that “*state statistics bodies collect, process, accumulate, store, analyze and publish statistical information reflecting the situation of women and men in all spheres of society based on gender indicators. The formation of gender indicators is based on: state statistical observations carried out by state statistics bodies; administrative data of government bodies; statistical observations systematically carried out by government and economic management bodies, local executive authorities. Gender indicators can also be formed on the basis of statistical data from citizens’ self-government bodies, non-governmental non-profit organizations and other civil society institution.*”

and to record, process and transmit such data to the Statistical Office of the Republic of Slovenia. Such provisions would contribute to strengthening the availability, quality and comparability of gender disaggregated statistics, and thus provide a solid basis for informed policymaking, monitoring and evaluation of gender equality measures. While the Act should define the core data to be collected and the responsible actors, the National Programme could require the collection of additional data to assess the implementation and impact of specific priorities or measures made therein.

9.2. Reporting and Monitoring

104. The Act establishes two reporting mechanisms. First, it introduces an obligation for the Government to report to the National Assembly every two years on the implementation of the National Programme (Article 17). This report must “*list the measures and activities carried out in the previous two-year period*” (Article 17). Second, the Act requires each ministry to report to the Ministry responsible for equal opportunities on the implementation of the two-year periodic plans, which define the activities necessary for the implementation of the National Programme (Article 16).
105. While these two reporting mechanisms are welcome, as they enable scrutiny within the executive and facilitate parliamentary scrutiny and oversight of government actions, their effectiveness could be further strengthened.
106. Regarding the scope of the reporting obligation, it is noted that the Act requires the Government only to list the measures and activities carried out. Reporting obligations should go beyond a mere enumeration of measures and activities. They should also include a justification of how the actions undertaken relate to, and effectively address, specific obligations, commitments and objectives specified in the National Programme, the Act, as well as in international human rights instruments and recommendations from international and regional bodies, along with sex-disaggregated data. Reports should also incorporate an analysis of outcomes, including an assessment of the extent to which the measures have contributed to achieving the intended objectives, and should identify any challenges or obstacles encountered in their implementation. Also, consideration could be given to broadening the range of actors subject to regular reporting obligations. In addition to the Government and ministries, other relevant institutions with responsibilities in the field of gender equality – such as the Human Rights Ombudsman, the Advocate of the Principle of Equality, and the Statistical Office – could be required to submit reports, where this is not already provided in their respective legal frameworks. Local government bodies and, where appropriate, relevant private actors subject to gender equality obligations could also be included. The effectiveness of the reporting framework could also be strengthened by increasing the frequency of reporting, for instance through annual reports, and by requiring that such reports be discussed by the competent bodies of the receiving institution (such as the parliamentary committee responsible for gender equality matters). In addition, reports should be made publicly available to ensure transparency.¹²⁷ Furthermore, the IMGE should have the possibility to ensure that those bodies who are not meeting reporting requirements or employ discriminatory measures are held accountable (see also para. 84 *supra* and para. 116 *infra*).¹²⁸

127 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 99 which states that “*it is good practice to require public bodies to report at regular intervals on important aspects of gender equality, that these reports are available in the public domain and that parliaments are informed so as to ensure sufficient scrutiny of the process*”.

128 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 100.

107. The Act also establishes monitoring obligations. It requires the Ministry responsible for equal opportunities to monitor the implementation of the Act and regulations issued on its basis; to monitor individual areas of social life from the perspective of gender equality; and to monitor the implementation of the National Programme (Article 18 (1)). In addition, the Act provides that the National Programme shall define the method of monitoring and reporting on its implementation (Article 15 (2)).
108. Overall, these provisions set out general monitoring obligations but are not linked to concrete outputs, such as the publication of periodic reports or presentation to the Parliament, the issuance of recommendations, or mechanisms for making data and findings publicly available. **These monitoring obligations could be strengthened by defining the core components or objectives to be monitored, specifying the timeline of the monitoring, defining required outputs, and providing reporting and publication requirements.**
109. Furthermore, the Act assigns monitoring responsibilities exclusively to the Ministry responsible for equal opportunities. While it is positive that the executive branch – as the primary responsible body for implementing the Act – is required to monitor implementation of the Act and report on progress on gender equality in general, effective monitoring framework for gender equality also rely on independent oversight. States should also establish or strengthen the capacity of independent oversight and regulatory institutions (such as national human rights institutions, financial auditing institutions, national statistics office), parliament and advisory bodies to monitor the implementation of gender equality laws and strategies. Such institutions should be mandated and granted sufficient financial and human resources to monitor and promote the implementation of gender equality framework by all the relevant bodies. **In this context, it is recommended to also grant monitoring responsibilities to the Human Rights Ombudsman of Slovenia and to the Parliament.**
110. Importantly, the Act does not confer on any institution the responsibility to carry out inspections and audits to assess whether, and to what extent, public and private actors comply with their gender equality obligations. This constitutes an important gap in the monitoring framework of the Act. From a comparative perspective, several OSCE pSs empower their Ombudsperson or national human rights institution to conduct such inspections and audits as part of the monitoring framework for gender equality and non-discrimination.¹²⁹ It is noted that, under the PADA, the Advocate of the Principle of Equality of the Republic of Slovenia can carry out supervisory inspections; however this power may be exercised only upon receipt of a complaint from a person who believes have been discriminated against. Moreover, the scope of such inspection does not extend

129 In **Finland**, the Ombudsman for Equality has the right to carry out inspections at a workplace, educational institution, organization representing labour market interests, or the business facilities of a provider of goods or services, if there is reason to suspect that actions have been taken that are contrary to equality legislation or that the obligations have not been complied with. In carrying out an inspection, the Ombudsman for Equality is entitled to receive executive assistance from other authorities. Inspections shall be carried out without causing unnecessary inconvenience or costs (see [Act on Equality between Women and Men of Finland](#), Section 18 (1023/2008, “Inspections and executive assistance”). In **Sweden**, the Equality Ombudsman can supervise compliance with the equality Act ([Act Concerning the Equality Ombudsman, Discrimination Act and parental Leave Act](#), Chapter 4). The Ombudsman aims to induce those to whom the Act applies to comply with it voluntarily. Supervision is an independent review aimed at verifying that the activities reviewed fulfil the requirements ensuing from this Act. In **Canada**, compliance with the Pay Equity Act 2021 Act is monitored by the Canadian Human Rights Commission (CHRC) which is responsible for investigating and managing cases and complaints under the CHRA, Charter and Employment Equity Act. The commission submits cases to the Canadian Human Rights Tribunal to hold hearings and make decisions on the cases. The [Pay Equity Act](#) has established a Pay Equity Commissioner within the CHRC, whose role is to ensure the implementation and compliance of the Act, assist persons in understanding the Act and facilitate the resolution of disputes relating to pay equity. The Commission can conduct compliance audits to ensure the enforcement of the obligations imposed on employers. Wherever possible, cases of non-compliance be resolved through persuasion and the negotiation of written undertakings. If that is not possible the Commission can designate employment equity compliance review officers for the purposes of conducting compliance audits of employers. A compliance officer can enter any place in which the officer believes on reasonable grounds there is anything relevant to the enforcement of any of those provisions; and require any person to produce for examination or copying any record, book of account or other document that the officer believes on reasonable grounds contains information that is relevant to the enforcement of any of those provisions (see [Employment Equity Act](#)).

to assessing compliance with the obligations set out in the Act or in regulations adopted on the basis of the Act.¹³⁰ **Therefore, the mandate of the Advocate of the Principle of Equality of the Republic of Slovenia and/or Human Rights Ombudsman of Slovenia could be expanded to conduct inspections and audits to verify compliance by public and private actors with their gender equality obligations, while ensuring that adequate financial and human resources are available for that purpose.**

9.3. Review and Evaluation

111. The Act does not include a mandatory review and evaluation clause to trigger a comprehensive assessment of the working and the impact of the Act at specified regular intervals following enactment.
112. As explained in the ODIHR Comparative Note on GELs, it is good practice to include in GELs specific “[...] *review and evaluation clauses to ensure [...] that the implementation of a law will be reviewed at regular intervals and that an overall assessment of whether the law is effective will take place, in order to inform potential further reform.*”¹³¹ Review and evaluation are important to make sure that GELs are effective in achieving their intended results, remain responsive to the evolving needs and challenges of the national context and reflects newly emerging international standards.
113. **In this context, consideration should be given to adding a review and evaluation clause in the Act. Such clause should specify the frequency of evaluation, the body in charge of evaluation (if not parliament), and cross-reference the applicable legal framework for *ex post* evaluation.**

RECOMMENDATION F

1. To include in the Act (or other applicable legislation regarding national statistics) dedicated provisions on data collection establishing a legal obligation for all relevant actors to collect statistical data disaggregated by gender, and other characteristics, within their respective areas of competence, and to record, process and transmit such data to the Statistical Office of the Republic of Slovenia.
2. To broaden the scope of monitoring and reporting obligations, the range of actors subject to monitoring and reporting obligations, and require that reports be made publicly available, and to grant the Human Rights Ombudsman of Slovenia and/or the Advocate of the Principle of Equality of the Republic of Slovenia the mandate to conduct inspections and audits to verify compliance by public and private actors with their gender equality obligations
3. To include in the Act a mandatory review and evaluation clause specifying the frequency of evaluation and cross-referencing the applicable legal framework for *ex post* evaluation.

10. ENFORCEMENT MECHANISMS AND LEGAL CONSEQUENCES IN CASE OF NON-COMPLIANCE

114. International and regional human rights instruments require States Parties to provide appropriate remedies, including “*effective, proportionate and dissuasive*” sanctions, in

130 See Republic of Slovenia, [Protection Against Discrimination Act](#) (ZVarD), Official Gazette of the Republic of Slovenia, Nos. 33/16 and 21/18 – ZNOrg), May 2016, art. 21.

131 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 100.

their national legislation in cases of gender discrimination.¹³² States are expected to introduce remedies that are affordable, accessible and timely, and to ensure that women have access to these remedies, including via legal aid and assistance, in front of a competent court or tribunal.¹³³ Depending on their nature, provisions imposing prohibitions and obligations related to gender equality can incur different consequences for non-compliers, such as reinstatement, compensation for damages, nullity of discriminatory provisions or annulment of unlawful act, and administrative or criminal sanctions (including fines, or imprisonment especially for the gravest forms of discrimination and gender based violence).¹³⁴ While the choice of particular remedies and sanctions lies with pSs, the respective legislative provisions should be clear and specific and should explicitly state which type of behaviours leads to which types and levels of sanctions. In addition, compensation or reparation must be proportionate to the damage suffered by the victim.

115. Although this goes beyond the scope of the present Opinion, it is noted that the PADA provides a range of fines for different forms of discrimination (Article 45) and of financial compensation for victims of discrimination (Article 39 (2)) although they have generally been considered to not be effective, proportionate nor dissuasive.¹³⁵ In addition, the Criminal Code provides criminal sanctions for violations of equal status, including on the grounds of gender and sexual orientation (Article 141) and for criminal offences against sexual integrity (Chapter 19 of the Criminal Code).¹³⁶
116. The Act does not foresee any legal consequences or sanctions for non-compliance with obligations it establishes.¹³⁷ **To enhance the effectiveness of the Act, consideration should be given to introduce enforcement mechanisms and provide legal consequences in case of non-compliance with its obligations and prohibitions.** For example, the Act could grant enforcement and accountability powers to the national coordinating body of the IMGE (see also para. 84 *supra*) and grant individuals the right to seek judicial remedies in cases where state bodies fail to comply with the Act's obligations and prohibitions. In addition, non-compliance with the gender representation

132 See CEDAW, Article 2; CEDAW Committee, [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW](#), paras. 17, 32 and 34; CEDAW Committee, [General Recommendation No. 19 on Violence Against Women](#), para. 24(t); Council of Europe, [Convention on preventing and combating violence against women and domestic violence](#), Articles 4 and 45; Council of Europe, [Recommendation CM/Rec\(2007\)17 of the Committee of Ministers to member states on gender equality standards and mechanisms](#), para. 15; Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Recast Directive) 2006/54/EC, Art. 18 and 25; Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, Arts. 8 and 14; European Commission Against Racism and Racial Discrimination [General Policy Recommendation No. 7](#), paras. 12 and 23.

133 See CEDAW Committee, [General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the CEDAW](#), para. 34.

134 See ODIHR, [Comparative Note on Gender Equality Laws Across the OSCE Region](#), 26 February 2024, para. 105.

135 See Republic of Slovenia, [Protection Against Discrimination Act \(ZVarD\)](#), Art. 45 and 39(2). See also The European Network of Legal Experts in Gender Equality and Non-Discrimination of the European Commission, [Country Report on Gender Equality for Slovenia](#), 2025, section 11.6.2, which found that the fines provided in the PADA “cannot be considered effective, proportionate or dissuasive. The sanctions (fines for misdemeanours or minor offences) prescribed in a range from a maximum to a minimum are in reality issued only at the minimum end of that range.” Regarding the financial compensation for victims, this report explained that “It is not clear whether the compensation cap which the PADA sets at EUR 5 000 applies only to compensation claimed merely because discrimination has taken place – the individual may still claim compensation for related damages such as lost income, material damages, etc. – or whether the compensation cap applies generally and prevents the individual from claiming related damages under the general tort law rules. If the latter is true, the sanctions could not be considered dissuasive, as this would mean that the law does not allow courts to award compensation that would exceed EUR 5 000, even in individual cases in which a disproportionately large discrepancy between the proven extent of the damage and the compensation cap was found. This could be in breach of CJEU case law such as *Marshall II C-271/91*. Furthermore, all alleged victims of discrimination face difficulties when enforcing their rights due to a judicial backlog.”

136 See Republic of Slovenia, [Criminal Code](#), art. 141 and Chapter 19. Article 141 provides that violating equal status, or prosecuting an individual or an organisation due to their advocacy for equality of people is punishable by a fine or imprisonment for up to one year. If the offence is committed by a public official, the maximum penalty increases to three years imprisonment.

137 While the Act introduces reporting obligations (Articles 11 (3)), requires that gender balance be taken into account by the National Assembly, the Government and local government authorities (Articles 10 (2), 14, 16 (3), 17 and 30.a), and mandates the adoption of general and special measures (Articles 6, 7 and 11 (1)) and of a National Programme to advance gender equality (Articles 10 (1) and 15), it lacks enforcement mechanisms and does not provide any legal consequences or sanctions for non-compliance.

requirement when appointing to public bodies should lead to the appointments being annulled (except for appointments of members from the under-represented gender),¹³⁸

RECOMMENDATION G

To introduce enforcement mechanisms and foresee legal consequences in case of non-compliance with the obligations and prohibitions provided in the Act.

11. OTHER COMMENTS AND RECOMMENDATIONS

117. Revising the Act at this stage would offer a valuable opportunity to align it with the latest recommendations of the CEDAW Committee on Slovenia¹³⁹ and to reflect newly emerging international standards, especially the CEDAW Committee General Recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems as well as recommendations from other international or regional bodies. As noted above, the provisions of the Act do not seem to sufficiently ensure systematic coverage of all sectors which are essential to advance substantive and transformative equality. In order to contribute to a more comprehensive approach to advancing gender equality across all areas of public and private life, the Act or relevant applicable legislation should be supplemented with a view to introduce practical and targeted measures in all spheres of public and private life, including but not limited to:
- the regulation of political parties in the Act or in the Political Parties Act¹⁴⁰ with a view to promote gender equality and more diversity within internal party structures, seek gender parity in party decision-making bodies, while also ensuring more effective support to women's sections of political parties and aiming to prevent and combat discrimination on any ground and violence against women in politics, and other measures;¹⁴¹
 - the reform of the Elections to the National Assembly Act with a view to introduce a rank-order rule, such as a "zipper" system, for candidate lists;¹⁴²
 - the requirement to introduce codes of conduct, with an intersectional perspective, in government, parliament, regional and local councils and political parties, public service and private sector companies to eliminate all forms of gender-based violence against women and hate speech, with independent complaint mechanisms and

138 See e.g., in **France**, the [Law n° 2014-873 of 4 August 2014 for real equality between women and men](#), Articles 66 and 75, which provide that said appointments shall be annulled if gender balance is not respected (except for appointments of members from the under-represented gender), though this will not render null and void the decisions that may have already been adopted by said body in the meantime. In **Denmark**, [Act on Equality between Women and Men](#) (2000, as amended 2022) provides: "If authorities and organizations, etc. do not appoint or nominate members in accordance with paragraph 1, the Minister for Responsibility shall decide that the committee, commission, etc. shall function without the members concerned. The same shall apply if the Minister does not accept a justification under paragraph 2 for derogating from the provision of paragraph 1" (§ 9.3).

139 See CEDAW Committee, [Concluding observations on the seventh periodic report of Slovenia](#), 2 March 2023.

140 Republic of Slovenia, [Political Parties Act](#) (ZPolS, unofficial consolidated text of 2023).

141 See the CEDAW Committee, [General recommendation No. 40 \(2024\) on the equal and inclusive representation of women in decision-making systems](#), 25 October 2024, paras. 39 (c) and 51 (d)-(e). There are a number of ways of achieving this goal, some of which are related to internal party regulations, whilst others may be contained in legislation, including financial and other incentives for establishing and supporting women's sections in political parties, implementing electoral gender quotas, providing training for women party members and ensuring financial, legal and other support to women candidates, adopting gender-equality strategies, considering family responsibilities to ensure balanced participation in party leadership. See [ODIHR Opinion on the Law of Montenegro on Political Parties](#) (2025), especially Section 4; ODIHR-Venice Commission, [Joint Guidelines on Political Party Regulation](#), paras.101-105. See also [Joint Opinion](#) on the Draft Act to regulate the formation, the inner structures, functioning and financing of political parties and their participation in elections of Malta, para. 60.

142 See ODIHR, [Republic of Slovenia, Parliamentary Elections, 22 March 2026 - ODIHR Needs Assessment Mission Report](#), pp. 2 and 9, See also ODIHR-Venice Commission, [Joint Guidelines on Political Party Regulation](#) (2nd ed., 2020), para. 188.

confidential counselling and provide corresponding training to all officials and staff;¹⁴³

- the adoption of legislative measures towards parity in the digital economy, and in the development and management of and decision-making on technological transition, including the development and dissemination of artificial intelligence products;¹⁴⁴
- legislative measures to ensure parity in leadership across all disciplines in crisis prevention in relation to health, the environment, the economy, space, cybersecurity, finance and technology, while also ensuring parity in peace negotiations, maintenance, peacebuilding and peacekeeping;¹⁴⁵
- adopting legislation, prevent harassment and threats against women in political and public life, including by strengthening monitoring and reporting mechanisms and holding social media companies accountable for discriminatory user-generated content, and investigate, prosecute and adequately punish those responsible;¹⁴⁶
- addressing legislative gaps to strengthen support services for victims of violence against women, including trafficking, including free legal assistance and medical treatment;¹⁴⁷
- ensuring that women are represented and participate in the development of legislation, policies and programmes on climate change, disaster response and disaster risk reduction, while integrating a gender perspective into such plans and policies and ensuring that women, in particular rural women, are consulted in their development.¹⁴⁸

12. PROCESS OF AMENDING THE ACT AND OTHER SECTORAL LEGISLATION

118. OSCE participating States have committed to ensure that legislation will be “*adopted at the end of a public procedure, and [that] regulations will be published, that being the condition for their applicability*” (1990 Copenhagen Document, para. 5.8).¹⁴⁹ Moreover, key commitments specify that “[l]egislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives” (1991 Moscow Document, para. 18.1).¹⁵⁰ The ODIHR Guidelines on Democratic Lawmaking for Better Laws specifically underline the importance of inclusive public consultations, throughout the policy and legislative cycle and offering meaningful opportunities to provide input.¹⁵¹ The principles stated above regarding the development of any policy or legislation should similarly be applicable with respect to the development or amendment of GELs (see especially para. 58 *supra* on gender mainstreaming and inclusive public consultations).
119. **Should Slovenian authorities decide to initiate legal reform in the field of gender equality, it should encompass the entire legal framework for gender equality and non-discrimination – including the Act, the PADA and other relevant legislation – with a view to ensuring coherence and consistency among these laws and to**

143 See CEDAW Committee, *General recommendation No. 40 on equal and inclusive representation of women in decision-making systems*, 23 October 2024, para. 39 (c).

144 See CEDAW Committee, *General recommendation No. 40 on equal and inclusive representation of women in decision-making systems*, 23 October 2024, para. 66 (n).

145 See CEDAW Committee, *General recommendation No. 40 on equal and inclusive representation of women in decision-making systems*, 23 October 2024, para. 61 (e) and (f).

146 See CEDAW Committee, *Concluding observations on the seventh periodic report of Slovenia*, 2 March 2023, para. 32 (e).

147 See CEDAW Committee, *Concluding observations on the seventh periodic report of Slovenia*, 2 March 2023, para. 28 (c).

148 See CEDAW Committee, *Concluding observations on the seventh periodic report of Slovenia*, 2 March 2023, para. 44.

149 See *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*, 29 June 1990, para. 5.8.

150 See *Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE*, 3 October 1991, para. 18.1.

151 See ODIHR, *Guidelines on Democratic Lawmaking for Better Laws*, 2024, paras. 149, 226. See also See Venice Commission, *Updated Rule of Law Checklist*, CDL-AD(2025)002, Part II.A.6.

mainstreaming the promotion of gender equality throughout all areas of public and private life. Such comprehensive reform process should be preceded by a thorough *ex post* evaluation of the implementation of the Act, the PADA and other relevant legislation that will inform the preparation of an in-depth regulatory impact assessment to accompany potential amendments to the Act and other sectoral laws.¹⁵² In addition, the legal drafters should ensure inclusive, extensive and effective consultations with a wide and diverse array of stakeholders from all spheres of public and private life, including gender equality experts, civil society (in particular organizations promoting gender equality and women’s rights), and also representatives of minority communities and disadvantaged or under-represented groups, offering equal opportunities for women and men of different backgrounds to participate. Such consultations should take place in a timely manner, at all stages of the law-making process, including before Parliament.

[END OF TEXT]

152 See ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#), 2024, para. 160, noting that “*Ex ante RIA and ex post evaluation are strongly linked and mutually reinforcing, representing different, yet interconnected steps of the policy- and lawmaking cycle, where each stage feeds off the other*”.