

# 2004 Data Collection

## RAXEN National Report

European Racism and Xenophobia Information Network

### National Focal Point for SLOVENIA

Peace Institute, Institute for Contemporary Social and Political Studies

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## Executive summary

### Employment

Official data and statistics show an almost complete absence of cases of discrimination in the area of employment. This probably tells more about the system of data collection, than about the real situation in the labour market, because due to legislative liability, it is forbidden to maintain records or to collect data based on racial or ethnic origin, religion or belief without a written permission from an individual. Furthermore, the available statistics about violation of anti-discrimination labour legislation do not differentiate between different grounds for discrimination. Another concern of this lack of data is that most cases of discrimination are simply not reported, probably due to employees' fear of sanctions or their low expectations regarding effectiveness of complaints.

Available data on employment rates and job seekers' inclusion in employment services does not indicate unequal treatment of foreigners with valid work permits in comparison with nationals, though quota are now in place to regulate inflow of new immigrant labour force originating from third countries. Unfavoured by legislation in compliance with the EU policy, access of third country nationals to the labour market is in this sense restricted. Immigrants and foreigners tend to be concentrated in branches where lower qualifications are required and lower wages and worse conditions of work. A thoughtful and wholesome approach to their inclusion is required.

Regarding the position of Roma in the labour market, no major improvement may be reported. Even though various programmes aimed at improving the position of Roma have been carried out, members of Roma community are still excluded from the official labour market, which reflects their generally poor situation in different aspects of social, but also political, inclusion.

### Education

A similar conclusion regarding official data on discrimination in education can be made – discrimination is not reported to competent bodies. But research and policy proposals indicate that at least for Roma, discrimination in education is present, mostly in the form of segregation and disproportionate number of Roma children placed into schools for children with special needs. Furthermore, data on educational performance of Roma shows that the percentage of children who successfully advance through the educational vertical remains extremely low. The general low level of educational attainment amongst Roma presents one of the principal barriers in their successful integration. Promising new developments in inclusion of Roma are currently in progress, especially the new Strategy of Education of Roma, and a project of standardisation of Romany language.

The situation of immigrants, in particular of other ethnic minorities of former Yugoslavia suggests that their attainment in education is quite strongly connected to the educational level of their parents and that they are more likely to be concentrated in less demanding secondary schools than other students, especially those, whose parents are both Slovenian.

Minority education provisions are comprehensive, but because they are based on the concept of autochthonous minorities, minorities that do not meet this criterion are put at a disadvantage. This is slowly being amended by introduction of minority language and culture programmes into elementary schools.

## Legislation

In 2004, a principal legal document, which should be seen as a major step in transposition of the two major EU anti-discrimination directives, was adopted, namely the Act Implementing the Principle of Equal Treatment. The Act explicitly bans direct or indirect discrimination, and also bans harassment and victimisation. It establishes two bodies for the promotion of equal treatment, the Council of the Government for the implementation of the Principle of Equal Treatment and the Advocate of the Principle of Equality. The problem, here, is with implementation – although the two bodies should have been operational already, neither of the two has actually been set up yet. As a matter of fact, none of the primary objectives for preventing discrimination (besides the mentioned bodies, they include a definition of a framework for the fight against discrimination owing to personal circumstances in employment and work, and a network of those that work in the area of discrimination prevention), which the government set in the National Action Plan on Social Inclusion (2004-2006), have so far been implemented.

Other new legal provisions, established in 2004, include a ratification of Council of Europe's Convention on Cybercrime and the Additional Protocol to the Convention on Cybercrime, concerning the Criminalisation of Acts of a Racist and Xenophobic Nature committed through Computer Systems (again, with weak implementation), and a new Decree on the rights and duties of refugees in the Republic of Slovenia.

## Housing

Unfortunately, a comprehensive programme against discrimination or in favour of inclusion of vulnerable groups in housing yet needs to be put together. A common problem of the housing market, non-availability of non-profit rental housing, is not specific for any particular segment of citizens, yet vulnerable groups are probably more exposed to it because of their generally weaker social situation. New policy documents have introduced different measures such as a new system of subsidising rents (rent supplement) for low-income tenants, and a new unified method of deciding non-profit rents (including social rents), which will be introduced gradually until 2006, but missing is a detailed insight into the position of various minorities in the housing market.

Low efficiency of programmes for the improvement of Roma housing situation in Roma settlements reflects a complex issue of interrelated problems of land use, ownership issues, infrastructure problems and opposition from the majority population, which can only be resolved by determined cooperation between the state, local authorities and the private sector and must include Roma themselves.

The new Asylum Seekers' Centre, opened in Ljubljana, resolves the problem of overcrowding, but raises the issue of segregation, since it is located on the outskirts of the city, far from public transport and services.

## Racist violence and crimes

It needs to be pointed out that specific records on racist violence and crimes are not kept. Information on racist incidents is therefore mostly limited to media reports. In this chapter we present several incidents that occurred recently. The first one was an attack on a person from Jamaica, whereby the attacker shot her with an air gun and screamed "White power!" at her. The proceedings have not been finished yet, though it will be interesting to see if racist motivation will be taken into account as an aggravating circumstance.

The other incidents revolved around conflicts of Roma and non-Roma population. The latter have on several occasions demanded from state bodies to ensure safety of persons and property, because they feel threatened by Roma. In response to these demands, the Police have stepped up their policing duties, especially in traffic regulation and public order. For this purpose, additional Police staff was introduced in multi-ethnic environments. These incidents show that in some places relationships between the majority and Roma community are quite tense and reflect a host of unsolved issues and intolerant attitudes.

The pressing issues concerning racism and xenophobia in Slovenia surely are the issue of the so-called erased persons, and the issue of mosque construction in Ljubljana. Overview of both issues is given, with latest developments included. Considering that 2004 was an election year in Slovenia, both topics were daily on the agenda of rivalry of political parties, and intolerant attitudes towards both groups were manifested in opinion polls and participation in a referendum on the erased and in a call for a local referendum on the construction of a mosque.

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## Definitions and sources

### Definitions of vulnerable groups

**Alien:** According to the Aliens Act, an alien is any person who does not possess citizenship of the Republic of Slovenia.

**Stateless person:** The Aliens Act stipulates that a stateless person is an alien who is not deemed to be a citizen of any country in compliance with its legal acts.

**Refugee:** A refugee is a person to whom the right to asylum has been recognised according to the Asylum Act.

Persons to whom the status of conventional refugees or refugees for humanitarian reasons has been granted have the right to permanent residence, financial assistance, basic housing, health care, schooling and education, assistance to integrate, the right to work and to be included in programmes that facilitate active search of work.

**Asylum seeker:** According to the Asylum Act, this is an alien who has submitted an asylum application. He is considered as such from the moment of the submission until the adoption of the final decision by the competent authorities. An asylum-seeker has the right to temporary residence until the termination of proceedings, basic health care, the provision of basic living conditions, financial assistance, free legal assistance in accordance with the Act, humanitarian aid and very restrictive access to the labour market.

**Undocumented migrant:** The Aliens Act stipulates that an entry into the Republic of Slovenia shall be deemed to be illegal if an alien enters the country although he/she has been refused, evades border control, uses a forged, another person's or otherwise modified travel or other document required for entry, or if he/she gives false information to border control authorities.

**Third country nationals:** All foreigners that are not citizens of member states of the EU or EEA members states.

**Immigrant:** According to the definition provided by the Statistical Office of Slovenia, an immigrant is a resident of Slovenia who immigrated from abroad and registered his/her residence in Slovenia, gave notice of his/her arrival at the administrative unit after returning from temporarily residing abroad or immigrated to another settlement or municipality in Slovenia and registered his/her permanent residence there. Although the definition, provided by the Statistical Office, does not differentiate between Slovenian citizens and foreigners, in colloquial usage, the term mainly denotes persons of foreign origins immigrated to Slovenia, irrespective of whether these persons are Slovenian citizens or not.

**Ethnic minorities:** The Constitution defines two national communities, the autochthonous Italian and Hungarian community. The basis for the protection of the Italian and Hungarian national communities in the Republic of Slovenia is provided by the *Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia*<sup>1</sup> to the Constitution of the Republic of Slovenia, which, in Chapter III, stipulates as follows: "The Italian and Hungarian national communities in the Republic of Slovenia and their members shall be guaranteed all the rights provided for in the Constitution of the Republic of Slovenia and international agreements." The status and special rights of the autochthonous

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<sup>1</sup> Cf. Ur. l. RS, No. 1-4/91-I, 25 July 1991.

Italian and Hungarian national communities in Slovenia are thus defined in Article 64 of the Constitution of the Republic of Slovenia, the basic legal act of the state.

Article 64 of the Constitution stipulates that special rights shall be given to autochthonous Hungarian and Italian ethnic minorities. Among which the right to use their national symbols freely, to establish their own organisations in order to preserve their national identity, the right to have their own language as well as establishing such education and schooling. Furthermore, these national communities and their members shall be guaranteed the right to foster relations with their respective nations of origin and countries and their members shall establish their own self-governing communities.

The two national communities are directly represented in representative bodies of local self-government and in the National Assembly (Article 80, paragraph 3 of the Constitution of the Republic of Slovenia stipulates that one deputy of each of the two national communities shall always be elected to the National Assembly; contrary to other deputies, who are elected according to the principle of proportional representation, the representatives of the national communities are elected according to the majority principle).

The organisation and the fundamental rights of the Italian and Hungarian national communities in the Republic of Slovenia are defined in the *Self-Governing Ethnic Communities Act* (Ur.l. RS, No. 65/94), its Article 1 stipulating: "For exercising special rights, guaranteed by the Constitution of the Republic of Slovenia, for the promotion of their needs and interests, and for organised participation in public matters, members of the Italian and Hungarian national communities establish, in regions of their autochthonous settlement, self-governing national communities." This gives further operational basis for exercising constitutional rights of the Italian and Hungarian national communities.

Members of the Italian and Hungarian national communities are also guaranteed certain rights that apply outside the ethnically mixed areas (e.g. entry into a special electoral register for the election of a deputy to the National Assembly of the Republic of Slovenia, the right to learn one's native language outside the ethnically mixed area under certain conditions).

Secretary General of the Government of the Republic of Slovenia issued, on 3 March 2003, instruction No. 023-12/2001 concerning the engagement of the national communities in the decision-making procedures relating to the position of their members, which appeals to all state bodies (government, ministries, etc.) to consistently observe the relevant legal provisions and provisions of the rules of procedure.

In chapter 11 of the Coalition Treaty, signed on 23 November 2004, the coalition commits itself to deal with issues of the Italian and Hungarian national communities by consistently implementing the independence documents, the Constitution of the Republic of Slovenia and international obligations binding on Slovenia (international agreements and ratified international instruments). The above Coalition Treaty is a work programme of the Government of the Republic of Slovenia for period 2004-2008.

Furthermore, Item 1, Paragraph 2 of the Statement of Good Intentions states that: "Also in the independent Republic of Slovenia, all rights stipulated by the constitution, laws and international legal instruments concluded and recognised by Yugoslavia are guaranteed to the Italian and Hungarian national communities. It also guarantees to all members of other nationalities the right to all-round cultural and language development; those with permanent residence in Slovenia can acquire citizenship of the Republic of Slovenia if they wish to."

In addition to the provisions of the Constitution of the Republic of Slovenia and the Self-Governing Ethnic Communities Act, the status of the national minorities is defined in over 60 sector-specific laws and regulations, ordinances and statutes of municipalities in the ethnically mixed areas, other legal

instruments, interstate treaties and agreements and international conventions ratified by the Republic of Slovenia.

The Constitution further stipulates that the status and special rights of Roma community, living in Slovenia, shall be regulated by law. Although some specific acts refer to the Roma community, no integral law regulating the rights of Roma has been adopted so far. The Article 39 of the Local Self-Government Act<sup>1</sup>, stipulates that in regions where autochthonous Roma live, they shall have at least one representative in the municipal council. Criterion for the special right of the Romany community under Article 39 of the Local Self-Government Act is autochthonous residence in 20 municipalities that are clearly stated in Article 101(a) of the Act. In this way, the Act (on the basis of the legislator's authorisation) defined the territory, where the Roma in Slovenia resided historically and traditionally, that is autochthonously, and it is only in these areas determined by the borders of the relevant municipalities as in force on 12 June 2002 that the Roma enjoy special rights, ensured to them by the legislator through individual laws. The Roma in the Republic of Slovenia residing outside of the enumerated 20 municipalities do not enjoy special rights; however, they do enjoy equal rights as any other citizen of the Republic of Slovenia, provided that they are Slovenian citizens.

Ethnic minorities, that are not mentioned in the Constitution, are not covered by special legal provisions, although minorities from the former Yugoslavia have lived in Slovenia for decades and are far more numerous<sup>2</sup> than officially recognized minorities.

**Religious minorities:** In Slovenia, the Constitution provides for separation of the State and religion, equal rights for all religious community and free pursuing of their rights. The law regulating the status of religious community<sup>3</sup> was inherited from the former state and amended. It stipulates that for a religious community to be a legal entity, a certificate of registration must be issued by the Government's Office for Religious Communities. Until now, 37 religious communities have been registered. Muslims<sup>4</sup> are the second largest<sup>5</sup> religious community in Slovenia.

## Data and information sources

In general, methods for collection of data used for the purpose of this report were reviewing of legislation and governmental reports, special reports and studies, interviews and consultation with government officials, research experts and members of non-governmental organisations, and media monitoring (especially of daily newspapers and internet websites and forums).

For statistical data for all five areas, Statistical Office of the Republic of Slovenia offers pre-prepared reports and special publications, and is of course the principal source on population census, including information on demographic structure of the population, housing characteristics, educational attainment, etc. Unfortunately, for the purpose of this report, these statistics do not differentiate data on the grounds of racial or ethnic origin, religion or belief and are therefore suitable for providing a general situation in the country.

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<sup>1</sup> Slovenia: SOP: 1993-01-2629, (31.12.1993)

<sup>2</sup> In 2002, 38,964 persons declared themselves as Serbs, 35,642 as Croats, 21,542 as Bosniacs, etc. See: Statistical Office of the Republic of Slovenia (2003), *Statistični letopis 2003*, p.73). See also: Annex, Table 1.

<sup>3</sup> SFR of Yugoslavia / SOP: 1976-04-0646 (04.06.1976); and subsequent modifications

<sup>4</sup> The term may denote both ethnic affiliation and religious belief. As a concept of ethnic affiliation, it was introduced in former Yugoslavia. In 1994, the National Assembly of Bosnia and Herzegovina introduced the term Bosniac in an attempt to separate ethnic origin from religious affiliation. The introduction of this term was reflected in 2002 Census, so in effect two concept were used, Bosniac and Muslim. For the purpose of this report, the term Muslim denotes a person belonging to Islamic religious community.

<sup>5</sup> In the Population census of 2002, there were 1,135,626 Catholics, 47,488 Muslims, 45,908 Orthodox, 14,736 Evangelicals, etc. (See: Statistical Office of the Republic of Slovenia (2003), *Statistični letopis 2003*, p.75). See also: Annex, Table 2.

Specific information regarding employment was acquired from the competent Ministry, i.e. the Ministry of Labour, Family and Social Affairs and its bodies, such as the Employment Service and the Labour Inspectorate. Additional information was acquired by reviewing government documents and policy programmes, though our experience shows that in connection with vulnerable groups, the data that these documents and strategies rely upon, are often incomplete and based on estimates. We also inquired for information at Centres of Social Work and trade unions.

Information regarding education was provided by the Ministry of Education, Science and Sport, Development of Education Office, the National Education Institute, and the Inspectorate for Education and Sport. We also reviewed a number of reports and studies, and conducted interviews with teachers, research experts and/or project coordinators, who are involved in projects aimed at improvement of inclusion of Roma children in education.

For the chapter on legislation, we turned to the Office for Equal Opportunities, a government body in charge of implementation of the new Equal Treatment Act, and to the Ministry of Information Society in charge of implementing anti-discriminatory provisions in cyber-space.

For housing, data collection was the least fruitful, since no serious study on the housing market in Slovenia, especially regarding vulnerable groups, has been done, and the regulating force in the area of housing is the market. We consulted government advisers and the Inspectorate for the Environment and Spatial Planning for some information. Some relevant information on housing loans was also acquired from the Housing Fund and its regional offices. Of most help were research experts, who pointed out relevant issues and available studies. We were, however, unable to get access to recent government data on Roma settlements, because according to the Office for Nationalities, the materials are still not complete.

Information on racist incidents was acquired from the Police. Different Courts were also consulted for information on court proceedings. It is commendable that quite some information is freely accessible on the internet, though for the most updated and specific information, competent authorities were contacted directly. Invaluable information and advice was provided by a number of research experts, non-governmental organisations and activist groups, involved with work in different areas, which this report covers.

# 1. Employment

Data referring to discrimination on grounds of racial, ethnic or national affiliation as well as religion - not only in the area of employment, but in general - is difficult to obtain due to several reasons. Currently, no institution with specific mandate to collect and analyse data regarding discrimination, has been established by the public authorities. In addition, according to the Personal Data Protection Act<sup>6</sup>, it is forbidden to maintain records or to collect data based on racial, ethnic and national origins and religion or other personal circumstances without a written permission from an individual. Irrespective of legislator's intentions, thus, this legal barrier, results in a lack of visibility of certain groups possibly vulnerable to discrimination. For example, no comprehensive overview of the situation of approximately 170,000 persons by origin from other republics of former Yugoslavia, who acquired Slovenian citizenship under a simplified procedure according to the Article 40 of the Citizenship of the Republic of Slovenia Act<sup>7</sup>, exists. Although these immigrants represent a considerable share of the whole population, due to absence of separated statistics on minorities, it is very difficult to acquire an in-depth insight into their position in the labour market in recent years.

Furthermore, available statistics about violation of anti-discrimination labour legislation are updated yearly and do not differentiate between different grounds for discrimination, i.e. only overall aggregate data is available. Also, lack of data collected by the public institution relating to discrimination within job application process or everyday discrimination at the workplace is obvious. So far, no discrimination testing has been conducted. However, considering some implicit indicators, a handful of research studies and data provided by NGOs, it is possible to provide an insight, although limited in scope, into discrimination and equal opportunities gaps within the Slovenian labour market. On the other hand, the statements and provisions, which may be seen as examples of institutional (i.e. legitimate) discrimination, can be observed in various documents introduced by the public authorities.

## 1.1. General statistics on discrimination

The Employment Relationships Act<sup>8</sup>, which entered into force on 1 January 2003, is the primary act in the area, regulating in broader extent the area of employment (e.g. job application process, working conditions, and the procedure in case of dismissal or termination of employment). The Act also provides for equal treatment and prohibition of discrimination in the labour sector. Article 6 prohibits discrimination, both direct and indirect, "on the basis of sex, race, colour of skin, age, health or disability, religious, political and other belief, membership in a trade union, national and social origin, family status, financial situation, sexual orientation or other personal circumstances" and stipulates provisions that transfer the burden of proof to the employer's side, when the data presented by the employee justifies the assumption that prohibition of discrimination was violated. Some additional articles (e.g. 81, 89, 204) cover judicial protection of the employee in case of discrimination, and include in the unfounded reasons for termination "race, colour of the skin, sex, age, disability, marital status, family obligations, pregnancy, religious and political conviction, national or social origin". According to the data provided by the Labour and Social Courts, based in Celje, Maribor and Ljubljana, which are competent in cases of labour disputes, no case related to violation of mentioned articles has been brought before these courts in 2003 and 2004<sup>9</sup>. In addition, four<sup>10</sup> of twenty-nine

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<sup>6</sup> Slovenia / SOP: 1999-01-2792, (23.07.1999)

<sup>7</sup> Slovenia / SOP: 1991-01-0008, (05.06.1991)

<sup>8</sup> Slovenia / SOP: 2002-01-2006, (15.05.2002)

<sup>9</sup> Information submitted by the Presidents of the Labour and Social Courts, located in Celje, Maribor and Ljubljana. The data from the Labour and Social Court in Koper was not available. (27-29.09.2004)

representative trade unions<sup>11</sup> reported no incidents on the grounds of racial, ethnic or national origins and religion and no violation of the anti-discrimination legislation in recent years.

The Penal Code of the Republic of Slovenia<sup>12</sup> in Chapter on Criminal Offences against Labour Relationships and Social Security also provides for protection of human rights and fundamental freedoms in the labour area. First paragraph of the article 206 stipulates that anyone who restrains or prevents another person from enjoying equal opportunities in employment shall be sentenced with a fine or punished by imprisonment of up to one year. Statistics on the violation of the first paragraph of Article 206 suffer the same inconsistency as statistics related to violation of the Employment Relationships Act, due to the fact that separate data on discrimination is impossible to acquire. Statistics, kept by the Statistical Office, show that no criminal offence against Article 206 of the Penal Code was recorded in 2002 and 2003<sup>13</sup>. On the other hand, the General Police Directorate reported that one violation of the first paragraph of Article 206 was recorded by the Slovenian police in 2004.

Albeit statistics show an almost complete absence of cases of discrimination in the area of employment, some reports, despite their limitation in its focus on discrimination, indicate a different picture. In 2003, four breaches of prohibition of discrimination were investigated by the Labour Inspectorate, and labour inspectors have offered expert help in a considerable number of cases related to prohibition of discrimination, though the overall majority of discrimination cases went unreported. The reason that only a small percentage of all cases result in formal complaints is associated with the prevailing employees' fear of sanctions by the employers. Labour inspectors have in some cases been informed about unequal treatment only after the termination of a contract. As with data of other public institutions, the data of the Labour Inspectorate does not provide any specific evidence on discrimination based on racial, national or ethnic affiliation and religion<sup>14</sup>.

Additionally, other implicit indicators may be taken into account, e.g. public opinion polls. These are not directed towards questioning the situation in the labour area specifically, but demonstrate some general attitudes of the majority population towards minority groups (e.g. immigrants, foreigners, refugees, asylum-seekers) and also attitudes of the majority population towards some specific issues affecting minorities (e.g. the so called erased, the issue of a construction of a mosque in Ljubljana). The polls show that a good many of the population has taken a stance of significant distance towards minorities<sup>15</sup>.

## 1.2. Groups vulnerable to exclusion

As pointed out before, no substantial evidence on explicit discrimination (e.g. everyday discrimination at workplace) is possible to obtain. It seems, however, that several groups are more at risk of exclusion from the labour market as well as other social spheres, due to several reasons.

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<sup>10</sup> These are as follows: the Education, Science and Culture Trade Union of Slovenia, which is one of the largest in public sector with an estimated 40,000 members, the Association of Free Trade Unions, which is a large umbrella organisation with some 300,000 members, the Trade Union of Customs Officers of Slovenia and the Trade Union of Workers in Nursing of Slovenia, which are representative in respective branch. Information submitted upon request.

<sup>11</sup> Representativeness of Workers Unions Act stipulates the necessary conditions to be fulfilled by respective trade unions to be registered at the Ministry of Labour, Family and Social Affairs as a representative union in respective branch. Slovenia / SOP: 1993-01-0589, (12.03.1993)

<sup>12</sup> Slovenia / SOP: 1994-01-2167, (13.10.1994), and subsequent modifications; Slovenia / SOP: 1999-01-1035, (08.04.1999), and subsequent modifications; Slovenia / SOP: 2004-01-1662, (20.04.2004)

<sup>13</sup> Information submitted by the Statistical Office of the Republic of Slovenia upon request.

<sup>14</sup> Slovenia, Ministry of Labour, Family and Social Affairs – Labour Inspectorate of the Republic of Slovenia (2004), *Poročilo o delu za leto 2003*

<sup>15</sup> See e.g. University of Ljubljana, Faculty of Social Sciences - Public Opinion and Mass Communication Research Centre (CPOMC) (2004), *Politbarometer*, available at <http://www.uvi.si/slo/javno-mnenje/>

### 1.2.1. Third country nationals

In 1960s and 1970s, Slovenia as the most developed republic in former Yugoslavia became an immigration republic. A considerable number of persons, originating from other Yugoslav republic, predominantly from Bosnia in Herzegovina, came to Slovenia looking for job opportunities and better living conditions. In legal terms both immigrants and the host population enjoyed equal rights as nationalities of the same country, and there was no talk of a thoughtful integration policy. The immigrants were visible only in the sphere of the labour market, while in other spheres the two populations did not mix. The majority of immigrants were concentrated in occupations characterized with lower wages and hard conditions at workplace<sup>16</sup>.

Available statistics indicate that similar trends are still relevant. In June 2004, 89,156 persons were unemployed, representing 10.2 per cent of all labour force<sup>17</sup>. In March 2004, 20,346 foreigners with permanent residence lived in Slovenia<sup>18</sup> (a great majority of all foreigners originate from the republics of former Yugoslavia). In the records of unemployed foreigners for August 2004, held by the Employment Service of Slovenia, 1,653 persons, again predominantly from the former Yugoslavia, were recorded<sup>19</sup>. Due to the Employment and Work of Aliens Act<sup>20</sup>, only persons with personal work permits are allowed to be registered at the Employment Service. Albeit there is no data on the proportion of labour force among foreign population, these figures may suggest that the unemployment rate for foreigners is not above average or is even less.

Also, in the first eight months of 2004, a total of 485<sup>21</sup> unemployed foreigners registered at the Employment Service of Slovenia found jobs with help of the Employment Service, of which majority in full-time occupations and a small percentage within the time-limited public works scheme, which was introduced by the Ministry of Labour, Family and Social Affairs to ease the social position of unemployed persons. At the same time, the total number of Slovenian citizens that found employment with the assistance of the Employment Service was 30,058.<sup>22</sup> Despite a relatively small percentage of foreigners employed with the assistance of Employment Service, these figures do not differ in proportion from those for domestic labour force.

On the other hand, in the first six months of 2004, of a total of 5,170 work permits, 596 were issued for seasonal work in agriculture industry and additional 3,413 for seasonal work in construction industry<sup>23</sup>, branches which are both characterized with lower wages and harder working conditions. In June 2004, the average monthly net earnings for the whole country were 164,996 SIT (approximately €690). At the same time, the average monthly net earnings in agriculture industry were at 139,705 SIT (approximately €582) and at 139,722 SIT (approximately €582) in construction industry<sup>24</sup>. As no separate data on earnings of foreign population exists, it may be assumed that the earnings of foreign labour force are even lower, as they tend to be recruited for positions where lower qualifications are required.

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<sup>16</sup> Mežnarič, S. (1986), "*Bosanci*": a kuda idu Slovenci nedeljom?, Ljubljana: Krt

<sup>17</sup> Statistical Office of the Republic of Slovenia (2004), *Rapid reports*, available at <http://www.stat.si/doc/statinf/2004/si-297.pdf>, (10.10.2004)

<sup>18</sup> Since a majority of permits for temporary residence are tied to work permits, it may be assumed that almost all persons to whom permits for temporary residence have been granted are in employment relations, so this data is not pertinent for comparison. Due to this reason, we took into account only the figures related to persons who acquired permits for permanent residence. Statistical Office of the Republic of Slovenia (2004), *First Release*, available at <http://www.stat.si/doc/prebivalstvo-260704.doc>, (01.08.2004).

<sup>19</sup> The information submitted by the Employment Service of Slovenia upon request. See also: Annex: Table 4.

<sup>20</sup> Slovenia / SOP: 2000-01-3058, (26.07.2000)

<sup>21</sup> The information submitted by the Employment Service of Slovenia upon request.

<sup>22</sup> The information submitted by the Employment Service of Slovenia upon request.

<sup>23</sup> Employment Service of Slovenia (2004), *Mesečne informacije, Junij 2004*, p.62

<sup>24</sup> Statistical Office of the Republic of Slovenia (2004), *Rapid Reports*, available at <http://www.stat.si/doc/statinf/2004/si-287.pdf>

Furthermore, while the overall number of all valid work permits in June 2004 was significantly higher than for June 2002, and slightly in decrease in comparison with June 2003<sup>25</sup>, the number of permits for employment is in constant fall. Specifically, of overall 8,242 permits for employment issued in the first six months of 2004, only 1,302 permits for employment were granted to foreigners who have been employed in Slovenia for the first time<sup>26</sup>. So, the increase may be observed in cases where a longer presence in the country already exists and is needed for acquiring the respective work permit (e.g. personal work permit) or in cases where presence is limited to a short period of time (e.g. permits for work for seasonal workers), while in cases where a temporary presence may prolong, the acquisition of a work permit is limited (e.g. permit for employment).

Nevertheless, the presented statistics only reflect the general framework, established by the public authorities in the second half of the 1990s, which is in compliance with the EU legislation towards foreigners and immigrant population. In late 1990s, key legislation regulating immigration policy was passed (e.g. Aliens Act, Asylum Act, Employment and Work of Aliens Act)<sup>27</sup>. In general, employment legislation tends to be restrictive and discriminative to inflow of new immigrant labour force originating from third countries, and at the same time it follows the principles of free movement of capital, goods, services and people, established within the EU<sup>28</sup>.

In 2004, these tendencies were corroborated in two documents. First, in compliance with the principle of free movement of people, goods, services and capital, the revised Aliens Act<sup>29</sup> stipulated the annulment of the legislation on foreigners for citizens of the EU at the day of accession of the Republic of Slovenia to the EU. However, twelve old member states of the EU and EEA member states (Norway, Iceland and Lichtenstein) adopted a seven-year transitional period for the free movement of people. Ireland, Sweden, United Kingdom and ten new member states loosened access to the labour market for Slovenian citizen. Due to the principle of reciprocity, citizens of these countries gained free access to the Slovenian labour market and they do not need to acquire a work permit for working in Slovenia. For citizens of those member states of the EU and for citizens of the EEA member states, which applied the 7-year transitional period, limiting access to its labour markets for Slovenian citizens, provisions of the Employment and Work of Aliens Act<sup>30</sup> are still in force. So, it is still compulsory for citizens of these countries to obtain a work permit in Slovenia.

Secondly, in the year of accession to the EU, a Decree on Establishing a Quota of Work Permits in 2004, which restricts the number of aliens on the Labour Market<sup>31</sup>, was adopted. This is a first case of implementation of quota provisions of the Aliens Act. The number of work permits was fixed at 17,100, of which 12,400 permits for employment, 1,200 permits for seconded workers, 200 permits for vocational guidance, 2,200 permits for seasonal work and 100 for individual services, and the remaining 1000 are at the discretion of the government in the case of disturbance in the labour market. This quota, however, is not applying to citizens of member states of the EU.

Currently, strict border policy and legitimate discrimination towards third country nationals seem to define policy towards third country nationals, because no coherent integration policy has been established, and no specific programmes aimed at integration of immigrant labour force have been carried out. Albeit anti-discrimination legislation was adopted, it seems that a gap between adoption and implementation of legislation exist. In general, an almost complete absence of cases brought

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<sup>25</sup> In June 2004, there were 40,385 valid work permits, while 41181 in June 2003 and 35272 in June 2002. *Employment Service of Slovenia (2004), Mesečne informacije, Junij 2004*, p.20

<sup>26</sup> *Employment Service of Slovenia (2004), Mesečne informacije, Junij 2004*, p.62

<sup>27</sup> See e.g. Slovenia / SOP:

<sup>28</sup> IOM (2003), *Migration Trends in Selected EU Applicant Countries: Volume VI – Slovenia: The Perspective of a Country on the 'Schengen Periphery'*, pp. 50-51

<sup>29</sup> Slovenia / SOP: 2002-01-5310, (18.12.2002)

<sup>30</sup> Slovenia / SOP: 2000-01-3058, (26.07.2000)

<sup>31</sup> Slovenia / SOP: 2004-01-1433, (06.04.2004)

before the competent bodies and a lack of reliable statistics related to discrimination on racial, ethnic or religious grounds may indicate a general unawareness towards these problems.

### 1.2.2. Roma

Regarding the position of Roma in the labour market, no major improvement may be reported. Although the unemployment rate for the population as a whole is around 10 per cent and decreasing, some documents indicate that the unemployment rate among Roma is around 87 per cent<sup>32</sup>, and is actually increasing in some communities<sup>33</sup> and that social allowance and child supplements provide the only source of income for an estimated 90 per cent of Roma families<sup>34</sup>. Some reports and field research from previous years offer a similar picture of disadvantaged position of Roma in the labour market. Even though various programmes aimed at improving the position of Roma have been carried out, members of Roma community still suffer from lack of education.

General image of the unemployment of the Roma indicates their concentration in some areas, especially in regions of Prekmurje and Dolenjska. 98.2 % of the unemployed Roma in Dolenjska region and 90 % in Prekmurje region did not finish elementary school. An estimated 95 per cent of Roma living in Municipality of Novo Mesto are practically illiterate<sup>35</sup>. The number of the unemployed Roma has been growing year by year. It seems likely that the main cause of the high unemployment of the Roma is their extremely poor education structure. An example illustrating this is that only 1.5 % of the unemployed Roma in Dolenjska region have vocational education and merely 0.3 % have completed technical secondary schools or similar.

In addition, many Roma do not possess any legal documents, and as a consequence, did not have even a basic access to social allowances, health care or housing. Furthermore, workers in social centres confirmed that even in cases where Roma had acquired documents, when trying to secure a job they came across discrimination and stereotypes from the part of employers<sup>36</sup>.

A step towards better inclusion of Roma in the labour market was made at the end of 1990s, when the Ministry of Labour, Family and Social Affairs established a subsidized public works scheme. However, the fact that the wages were not considerably higher in comparison with social allowance, proved not to be motivational enough for many Roma to persevere with the employment for a longer period. As regards efforts of the public authorities in 2004, a good step onward was the government's adoption of the Strategy of Education of Roma in Slovenia<sup>37</sup>, providing a multicultural platform for improvement of Roma prospects within the educational system. In addition, a National Action Programme for Employment and Social Inclusion of Roma is being drawn up.

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<sup>32</sup> Urh, Š. (2003) "The Roma people in Bela Krajina", in: Klopčič, V., Polzer, M. (eds.) *Evropa, Slovenija in Romi: zbornik referatov na mednarodni konferenci v Ljubljani, 15. februarja 2002*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 131-141

<sup>33</sup> [http://www.gov.si/mddsz/pdf/jim\\_an.pdf](http://www.gov.si/mddsz/pdf/jim_an.pdf), (02.10.2004), p. 37

<sup>34</sup> Government of the Republic of Slovenia (2004), *National Action Plan on Social Inclusion (NAP/inclusion) (2004 – 2006)*, p.19

<sup>35</sup> Giodani, J., Smerdu, F. (2003), *Romi na območju ZRSZ OS Novo Mesto in ukrepi za razreševanje njihovega težavnega položaja na trgu dela*, Zavod Republike Slovenije za zaposlovanje, Območna enota Novo mesto, p. 10

<sup>36</sup> Trbanc, M. (ed.) (2003): *Socialna in ekonomska vključenost ranljivih skupin v Sloveniji – možni ukrepi za dvig zaposljivosti najbolj ranljivih kategorij težje zaposljivih in neaktivnih oseb: raziskovalna naloga*, Ljubljana: Faculty of Social Sciences, pp. 54-55

<sup>37</sup> Barle Lakota, A., Gajgar, M., Horvat, J., Kovač Šebart, M., Krek, J. (eds.) (2004) *Strategija vzgoje in izobraževanja Romov v republiki Sloveniji*, Ministrstvo za šolstvo, znanost in šport: Ljubljana

### 1.2.3. Refugees

In April 2004, based on the Asylum Act, the Decree on the Rights and Duties of Refugees in the Republic of Slovenia was adopted<sup>38</sup> by the government. The document introduces an institute of personal integration plan for refugees. According to the Decree, the plan includes courses in Slovene language and culture, history and legal system, vocational guidance and vocational training for improvement of a refugee's employment prospects. In addition, it is the obligation of the Ministry of the Interior for a refugee to be assured with the adequate information related to asserting social assistance, social and health care, education, employment and free legal assistance. The decree is retroactive and provides all persons to whom the status of refugee has been granted before the Decree entered into force with equal opportunities to enter the personal integration scheme. Until August 2004, 97<sup>39</sup> persons in total have been granted the status of a refugee either as a conventional refugee or a refugee for humanitarian reasons. However, some NGOs<sup>40</sup> cooperating with refugees reported that the implementation of respective personal integration plans provoked some concern from the part of refugees regarding the schedule of language courses and their deficient involvement in the designing of the plan. According to the plan, language courses represent the first step for all refugees and an active attendance at courses is compulsory. Despite the importance of the courses, some refugees asserted that, as the courses had been taking place exclusively in the morning, they were prevented from seeking for a job. According to reports, this is a peculiarly pressing issue for refugees with families, as the allocated social assistance does not meet basic needs of a family.

## 1.3. Complaints proceedings

The Employment Relationships Act may be seen as an important step towards equal opportunities for persons and groups vulnerable to discrimination in the area of employment, as it establishes rather consistent mechanisms that provide for an institutional protection within several areas of employment relations. The principle provision that enacts the prohibition of discrimination is Article 6. The Article defines areas of employment relations where prohibition of discrimination must be guaranteed to all. According to it, "the employer may not treat unequally the job seekers in gaining employment or the worker during the employment relationship and in relation to the termination of an employment contract on the basis of sex, race, colour of skin, age, health or disability, religious, political or other conviction, membership in a trade union, national and social origin, family status, financial situation, sexual orientation or other personal circumstances". Furthermore, in any dispute where applicants or workers present information, which justifies the assumption that the prohibition of discrimination was violated, the burden of proof shall be shifted to the employer. The Act defines several procedures that enable employees to lodge a complaint.

According to the Article 204, a job-seeker, who has not been chosen and who thinks that the prohibition of discrimination has been violated in the selection procedure, may request judicial protection before the competent labour court within 30 days from the receipt of employer's notification. If a person has already been in employment relationship and considers that the violation of prohibition of discrimination has taken place, he/she has an obligation to request in written that the employer abolish the violation. If the employer does not abolish the violation within eight working days, the employee may request judicial protection before the competent labour court within 30 days from the expiration of the time period stipulated for abolishment of the violation by the employer. In

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<sup>38</sup> Slovenia / SOP: 2004-01-1434, (06.04.2004)

<sup>39</sup> Information submitted by the Ministry of the Interior upon request.

<sup>40</sup> Information submitted by the Foundation Gea 2000, an NGO that offers legal assistance to asylum-seekers and conducts vocational trainings for refugees in order to improve their employment prospects. The NGO is a member of the European Council on Refugees and Exiles (ECRE), national co-ordinator for the European Legal Network for Slovenia (ELENA), national CEFRAN co-ordinator and national ECRAN focal point.

case of a dismissal based on personal circumstances, as defined in the Act, the employee may request the recognition of illegality of termination of the employment contract within 30 days from the day of the dismissal before the competent labour court. In case of any violation of the prohibition of discrimination, the employer is liable for damages to the applicant or worker pursuant to general rules of the civil law.

Supervision over implementation of the Employment Relationships Act has been handed over to the Labour Inspectorate at the Ministry of Labour, Family and Social Affairs. In case of dispute between employees and employers, the labour inspector may mediate with the aim of reaching a friendly settlement. The labour inspector may also assign a case of violation of prohibition of discrimination to a court for minor offences. Violators may be sentenced with a fine not less than 1,000,000 SIT (approximately €4170).

#### 1.4. Initiatives against Discrimination in Employment

In 2004, a few examples of good practice came to notice, both aiming at improvement of Roma position. The project *Qualifying Roma for Professional Radio Journalism*, run by the Peace Institute in Ljubljana and financed by PHARE programme, is a continuation of a project from previous year, when a series of workshops for Roma journalists took place. The reasoning behind the project is to empower members of Roma community to run their own media and for this purpose a handful of young Roma were trained in basics of journalism (news reporting, use of equipment, editing, etc.), and a recording studio was set up, which enables Roma to have control over media production. Products of this work are a radio show transmitted weekly on local radio stations and increased employment potential of participants in the project. Further ambitions of this project are to secure an independent Roma radio station in Prekmurje region where the local Roma community exhibits better prospects of integration and social inclusion than other communities elsewhere in the country. Roma journalists applied for a local radio frequency, but a decision by the competent authorities still needs to be taken. Within the project, a bilingual handbook, both in Romany and Slovenian language, will be published and an additional workshop is to be held, which may be of great help for Roma efforts to gain the radio frequency.

Another project to be summarized as an example of good practice in 2004 is *Integration of Roma children into Mainstream Education in Slovenia*. For more details about this project, please see the entry in the education section on page 23. The institute of Roma assistant, which was established through this project, is of particular importance for better employment prospects of the Roma population. Although not without problems at the beginning of training (such as lack of education and command of Slovenian language) and strong opposition shown by parents of non-Roma children, the project managed to introduce the first Roma employees within mainstream schooling. But, as the assistants were employed within the public works scheme, and due to their poor qualifications, their salary was below or on an equal level with social allowance they received prior to this employment<sup>41</sup>. The overall situation was not sufficiently motivating, and a considerable fluctuation of Roma on the position of assistant was reported<sup>42</sup>.

The concept of Roma assistant was also adopted in the new Strategy of Education of Roma in the Republic of Slovenia<sup>43</sup>, and the particular model introduced by the Step by Step project will be considered in the implementation phase of the Strategy. If these issues of motivation are resolved satisfactory, the assistant may prove to be a good prospect for additional employment of Roma, offering a bridge between cultures at the same time.

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<sup>41</sup> Roma Education Initiative (2004), *Internal evaluation*, pp. 11-14

<sup>42</sup> The information was submitted by the project leader upon request.

<sup>43</sup> Barle Lakota, A., Gajgar, M., Horvat, J., Kovač Šebart, M., Krek, J. (eds.) (2004) *Strategija vzgoje in izobraževanja Romov v republiki Sloveniji*, Ministrstvo za šolstvo, znanost in šport: Ljubljana, pp. 31, 33

In the past years, the Ministry of Labour, Family and Social Affairs has also defined special measures, projects and programmes aimed at employing the Roma, namely the programme "Equal Employment Opportunities for the Roma – Our Common Challenge" and "Subsidised Employment: Thousand New Opportunities Programme" as well as other public programmes.

In this context, an initiative titled "Romany issues in the area of unemployment must be resolved" was put forward in a session of the Union of Roma of Slovenia and the Ministry of Labour, Family and Social Affairs, on 7 August 2003. It was decided that the Ministry would, in cooperation with the Union of Roma of Slovenia, carry out employment programmes aimed at the creation of new jobs and with this objective seek to acquire support for the Union of Roma of Slovenia at other ministries.

Furthermore, in cooperation with local communities, the Ministry of Labour, Family and Social Affairs will facilitate expansion of public work programme for the Roma, especially in the area of spatial planning in the Roma settlements as well as in wider local communities and in providing learning assistance to the Romany children during their schooling. This will enable 50 new participants to take part in the programmes. The aim of the programmes is to improve employment possibilities for the Roma in their local environment. Also Employment Service of Slovenia will take active part in formulation of these programmes and will consider the past-years experience.

With the objective to harmonise Slovenian legislation with European legislation in the area of anti-discrimination measures, the *Office for Equal Opportunities* drafted an Implementation of the Principle of Equal Treatment Act, which was adopted by the National Assembly of the Republic of Slovenia<sup>3</sup> and includes the necessary anti-discrimination measures, following European Union directives.

## 1.5. Undocumented Migrant Workers

Considering the issue of undocumented migrant workers, the only available data is to be found in figures on undocumented border crossings. It is therefore safe to assume that the issue of undocumented migrant workers is under-reported and poorly researched. The most recent data collected by official bodies refers to 2003 when seventy-seven cases of employment of a foreigner or a person without established citizenship were found in discordance with the legislation by the Labour Inspectorate. The majority of violations took place in construction industry, catering industry and services<sup>44</sup>. Unfortunately, no data on legal status of these persons has been provided. However, due to the fact that the violations of the employment legislation often occur in construction industry, and considering that 12.8<sup>45</sup> per cent of all announced needs for labour force registered by the Employment Service of Slovenia, was submitted by the employers in this industry, it may be expected that the phenomena is larger in extent and not well-documented.

When compared to previous years<sup>46</sup>, the figures on asylum-seekers are in constant decrease, and albeit the majority of all asylum-applicants still consider Slovenia as a transition country on their way to the West<sup>47</sup>, some NGOs reported the existence of undocumented employment among asylum-seekers.

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<sup>3</sup> Implementation of the Principle of Equal Treatment Act (ZUNEO), Ur. l. RS, No. 50/04.

<sup>44</sup> Slovenia, Ministry of Labour, Family and Social Affairs – Labour Inspectorate (2004), *Poročilo o delu za leto 2003*, p.157

<sup>45</sup> Employment Service of Slovenia (2004), *Mesečne informacije, Junij 2004*, p.4

<sup>46</sup> A total 837 applications were lodged in the first eight months of 2004, while in 2000, a total 9244 application were lodged. The information was submitted by the Sector for Asylum at the Ministry of the Interior upon request.

<sup>47</sup> Only in the first eight months of 2004, of a total of 796 cases that were brought to a termination, 527 cases were concluded, because asylum-applicants failed not appear before the competent body, probably leaving the country on

According to these reports, this is due to the fact that a majority of all proceedings related to the asylum application exceed legal deadlines for several months. In the meantime, asylum-seekers are allowed to work for eight hours a week and not more than sixty days a year, but specific details of their permission to work have not been worked out yet. Legal ambiguity of asylum seekers' right to work has been reportedly exploited by some employers, which refused to pay asylum seekers for their work<sup>48</sup>.

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their way to the West. This information was submitted by the Sector for Asylum at the Ministry of the Interior upon request.

<sup>48</sup> The information submitted by Foundation Gea 2000 upon request.

## 2. Education

### 2.1. Discrimination in education

Considering officially available data, racism and discrimination in education are not perceived as pressing problems<sup>49</sup>. For example, according to the Inspectorate for Education and Sport<sup>50</sup>, no complaints of discrimination have been registered in 2004 or in the last few years. The Inspectorate supervises the work and operations of public educational institutions (with the exception of those in the sphere of higher education) and the implementation of state-approved programmes in private pre-school institutions and schools. It monitors the exercise of rights and duties of pupils/students, and a report with evidence on violation submitted to the Inspectorate initiates an investigation. If the allegation is confirmed, the Inspectorate can apply a number of different measures, including disciplinary proceedings, annulment or suspension or an introduction of proceedings against a criminal offence. Mentioned data or lack thereof suggests two possible conclusions: either the institute of school inspection is not used because of mistrust of state institution and low expectations regarding the effect of a complaint, or existing cases of discrimination are not comprehended in relation to the grounds of racial or ethnic origin, religion or belief.

To get an insight into discrimination and inequalities in education, it is therefore necessary to turn to other data, available through governmental programmes and other initiatives, e.g. special programmes for social inclusion of vulnerable groups. A number of studies and reports have identified the Roma community as one of the most vulnerable groups, not only in the area of education<sup>51</sup>, especially members of the community without citizenship<sup>52</sup>. In terms of discrimination, segregation and disproportionate number of Roma children placed into schools for children with special needs seem to be amongst the most pressing issues. According to the Strategy of Education of Roma in Republic of Slovenia<sup>53</sup>, available information for the school year 2002/2003 shows that 1349 Roma students had attended elementary schools - 1223 attended regular schools, while 126 attended special schools<sup>54</sup>. The share of Roma children placed in special schooling, 9.3 per cent, is in striking contrast with 1.22<sup>55</sup> per cent of all children included in special schooling. Reasons for such a disproportionate share of Roma children in special schooling are complex and reflect the overall Roma situation. Roma children get acquainted with Slovenian language and culture often only with the start of basic compulsory education and very few Roma are included in pre-school socializing activities with non-Roma children. IQ tests which have until recently been one of the principal tools to evaluate child's learning capacities, are available only in Slovenian language and require familiarity with Slovenian culture,

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<sup>49</sup> See e.g. European Communities (2003): *Education across Europe 2003*, Luxembourg: Office for Official Publications of the European Communities, 2003

<sup>50</sup> Information submitted by the Inspectorate for Education and Sport upon request. Yearly reports of the inspectorate can be found at: <http://www.mszs.si/slo/ministrstvo%5Corgani%5Cinspektorat.asp>, (02.10.2004)

<sup>51</sup> See e.g. SEECRAN (2003), *Pripombe na Drugo poročilo republike Slovenije o sprejetih ukrepih za uresničevanje Konvencije o otrokovih pravicah*; Slovenia, Ministry of Labour, Family and Social Affairs (2003), *Joint Inclusion Memorandum*; Barle Lakota, A., Gajgar, M., Horvat, J., Kovač Šebart, M., Krek, J. (eds.) (2004) *Strategija vzgoje in izobraževanja Romov v republiki Sloveniji*, Ministrstvo za šolstvo, znanost in šport: Ljubljana

<sup>52</sup> Field research has shown that almost half of the non-autochthonous Roma do not have their legal status settled and that many of them do not have any personal documents. SEECRAN (2003), *Pripombe na Drugo poročilo republike Slovenije o sprejetih ukrepih za uresničevanje Konvencije o otrokovih pravicah*, p. 14

<sup>53</sup> Barle Lakota, A., Gajgar, M., Horvat, J., Kovač Šebart, M., Krek, J. (eds.) (2004) *Strategija vzgoje in izobraževanja Romov v republiki Sloveniji*, Ministrstvo za šolstvo, znanost in šport: Ljubljana, p.10

<sup>54</sup> The term "special school" refers here to primary schools for children with special needs, established initially for mentally and physically handicapped children or for those with learning difficulties.

<sup>55</sup> Calculated from data published in Statistical Office of the Republic of Slovenia (2004), *Rapid reports No. 274*, available at <http://www.stat.si/doc/statinf/2004/si-274.pdf>, (10.09.2004)

both of which are alien to a considerable part of Roma children, who consequently perform worse at these tests than non-Roma children.

Evaluation of work of some commissions showed that their work was biased and that other reasons of poor performance at tests, pointing to a weak social adjustment, were identified and that Roma children were wrongfully placed in schools for children with special needs<sup>56</sup>. In an attempt to resolve this linguistic and cultural bias of IQ tests and of commissions' work, *Rules on the organisation and methods of work of commissions for the placement of children with special needs and on criteria for determining the type and degree of disadvantages, impairments and disabilities of children with special needs*<sup>57</sup> have been modified to instruct members of commissions to consider several different factors, e.g. already accomplished levels of development, learning capacity and achievement of standards, aetiology and prognosis of child's deficits. In 2004, five seminars were organised for members of commissions where new rules were explained and problems of commissions' work were discussed.

Another indication of discriminatory practices is inclusion of Roma children in homogeneous classes. There are different approaches, heterogeneous, homogeneous and partially homogenous classes and although recent strategies and programmes strongly discourage homogenous classes of Roma children, in practice such classes still exist<sup>58</sup>. Segregation of Roma children into special classes is being justified by their low level of comprehension of Slovenian language, cultural differences or pressure from parents of non-Roma children. Segregation has a discouraging and demotivating effect on Roma children, and affects school attendance.

The case of non-autochthonous Roma children is even more problematic, for their parents do not have legal documents and it is safe to assume that at least some of these children do not attend school at all, although there are cases of schools, which have included such children regardless of their status on grounds of education being an essential human right of everyone.

In previous governmental strategies on Roma education<sup>59</sup>, Roma children were treated as children with special needs. In principle, the right of Roma to difference and communication in their own language and Roma identity was acknowledged, but these principles were not sufficiently implemented. Moreover, the strategy insinuated that Roma children should be encouraged to develop their potential in areas in which they have affinities, and that their different psycho-physical needs should be considered. Recently, a new strategy of Roma education was accepted<sup>60</sup>, which does away with this approach and instead introduces the concept of Roma children as citizens whose human rights should be respected. The new strategy is not yet operational, though it marks an important change of perspective, with possible emancipatory potential for the inclusion of Roma in education and other areas. Currently, though, some practices, which result in segregation and unequal treatment of Roma children, are still applied.

Notwithstanding, several initiatives undertaken with a view to improve the general living conditions of Roma communities can be mentioned. For example, special public grants for schools attended by Roma children: It allocates additional funds for individual and group work with Roma children; setting of more advantageous norms for classes with Roma; financing meals, school material as well as granting scholarships to Roma students in specific areas. The publishing of the first textbook in Romani language was also public funded.

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<sup>56</sup> Information submitted by Development of Education Office upon request.

<sup>57</sup> Slovenia / SOP: 2003-01-2703, (06.06.2003)

<sup>58</sup> Barle Lakota, A., Gajgar, M., Horvat, J., Kovač Šebart, M., Krek, J. (eds.) (2004) *Strategija vzgoje in izobraževanja Romov v republiki Sloveniji*, Ministrstvo za šolstvo, znanost in šport: Ljubljana, p.10

<sup>59</sup> Strokovni svet Republike Slovenije za vzgojo in izobraževanje (2003), *Navodila za prilagajanje programa OŠ za romske učence*

<sup>60</sup> Barle Lakota, A., Gajgar, M., Horvat, J., Kovač Šebart, M., Krek, J. (eds.) (2004) *Strategija vzgoje in izobraževanja Romov v republiki Sloveniji*, Ministrstvo za šolstvo, znanost in šport: Ljubljana

Until the end of the 2002/2003 school year, the elementary school standards defined special norms for the establishment of Roma elementary school classes. The establishment of Roma classes is no longer provided for as of 2003/2004 school year. It has become the norm that classes attended by 3 or more Roma children consist of 21 pupils. In the 2003/2004 school year, the Ministry of Education, Science and Sport granted 512 teaching hours to schools for work in small groups. Schools have made explicit that such measures were necessary to obtain positive results with Roma pupils.

Since 2003, the Ministry has also co-financed the research project “Ensuring of Equal Opportunities for the Education of Roma Children and their Families” carried out by the Educational Research Institute (duration 2003-2005). This project focuses on the integration of Roma children in schools, increase in school efficiency, adequate training of experts and work with parents.

In addition, the implementation of the Strategy for Education of Roma in the Republic of Slovenia, which was prepared by the Ministry of Education, Science and Sport and adopted by the Expert Council for General Education on 20 May 2004, foresees the following concrete measures: Early integration of Roma children into pre-school education; introduction of Roma assistants (mediators) into classes attended by Roma children; optional Romany language learning; continuous advanced professional training for teachers taking into account the specificities of Roma children education. The new strategy, is not yet operational, though it marks an important change of perspective, with possible emancipatory potential for the inclusion of Roma in education and other areas.

## 2.2. Inequalities in educational performance and attainment

Reliable data on inequalities in educational performance and attainment by minority groups does not exist and the underlying reason for this was explained previously in this report (see page 10). Indicators of participation in education, completion of education, number of pupils without Slovenian citizenship can be considered, but these general indicators do not reveal inequalities in educational performance separated by categories of racial or ethnic origin, religion or belief. No information is available on educational performance of members of two officially recognized national minority groups, and members of minority groups of former Yugoslavia, because individuals are treated as citizens and not as members of certain ethnic groups and therefore data is not separated on the basis of ethnicity. Some information is, however, available for Roma, because Roma are identified as a vulnerable group and various programmes and initiatives are directed towards improving prospects of social inclusion and/or against discrimination. But even data on Roma is incomplete because it is mostly based on field experience of different services who work with Roma and also does not include the whole Roma population – missing are often Roma who live outside of Roma settlements or Roma who are not considered to be autochthonous.

### 2.2.1. Roma

#### Overview of Roma included in education<sup>61</sup>

On the basis of data collected from Municipalities, the Government Office for Nationalities established that in Slovenia there are 20 municipalities with Roma population and 90 Roma settlements. Some of the data is;

#### Primary Education

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<sup>61</sup> Information on Roma inclusion in education is taken from the Strategy of education of Roma in Republic of Slovenia: Barle Lakota, A., Gajgar, M., Horvat, J., Kovač Šebart, M., Krek, J. (eds.) (2004) *Strategija vzgoje in izobraževanja Romov v republiki Sloveniji*, Ministrstvo za šolstvo, znanost in šport: Ljubljana

- Approximately 2200 Roma live in Dolenjska region, in different municipalities. Of the 2200 Roma, 1300 persons between the ages of 15 to 65 are considered to be active, 900 are children under the age of 15, and very few are over 65 years. The biggest Roma community is based in the area of Novo Mesto and districts of Škocjan and Šenternej in 12 different settlements with varying living conditions. In most cases, these settlements lack even basic services. The majority of adults are illiterate, and they are dependent on welfare assistance and occasional employment. Around 120 younger adults are enrolled in elementary school programmes for adults, but their performance is poor and motivation is weak. Older adults are only seldom enrolled in various educational programmes. The number of children attending elementary school is increasing, but very few complete basic compulsory education. Most of them, especially girls, leave school as soon as they complete obligations of basic compulsory education, i.e. after (eight) nine years of schooling<sup>62</sup>.
- In Bela Krajina 1049 Roma live in 19 settlements. A lot of families still live like nomads. Adults are mostly illiterate; the number of children regularly attending elementary school is increasing. Although they complete basic compulsory education, the majority do not finish elementary school. 30 younger adults are enrolled in elementary school for adults; the number of older adults enrolled in different educational programs has been rising in the last years.
- In Trebnje municipality 285 Roma live in 5 settlements in the suburbs of villages. Only few children complete elementary school. This school year (2004), eighty adult Roma attended elementary school for adults.
- In Posavje 329 Roma live in 5 settlements, one-sixth in Brežice municipality and the rest in Krško municipality. Their education usually finishes in fourth or fifth class, and until now only four Roma girls have finished all eight classes. The majority of adults are illiterate, and younger generations have very poor reading and writing capacities. Recently, a group of seven adults finished a program of class six and in the school year 2003/2004 enrolment for class 7 and 8 again took place and some other shorter educational programmes.
- In Kočevje area, 316 Roma live in 6 settlements. Many are well integrated in the social environment, but for some problems remain. The majority of adults are without completed elementary school or professional education. 5 per cent of adult Roma are employed in different companies. The majority of children do attend elementary school programmes but leave school prematurely (e.g. in six grade of the 8-year elementary school)
- In the area of Grosuplje and Ribnica approximately 200 Roma live. The majority of adults are illiterate; approximately 45 of them are enrolled in elementary school for adults.
- In the area of Velenje approximately 70 Roma people live. Almost 40 per cent have complete elementary school, and some individuals have completed secondary level of education. The rest of the population is mainly illiterate.
- Centre for Social Work estimates that 900 Roma live in Maribor, dispersed amongst majority population. A majority of them are employed, live in non-profit rental apartments and children attend school regularly. Their level of literacy is low, especially among women, and their comprehension of Slovenian language is poor. 40 adult attend elementary school for adults and the number of adults integrated in different educational programmes is on the rise.
- According to the data that the Government Office for Nationalities collected from municipalities, the number of Roma in Prekmurje region is the following: 1100 in the area of Murska Sobota, 218 in Cankova, 474 in Rogašovci, 473 in Puconci, 94 in Kuzma and 177 in Lendava. The same estimate warns that 90 per cent of adults have not finished basic compulsory education, which aggravates their employment prospects and results in majority of

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<sup>62</sup> Currently, there are two programmes of compulsory education in place in Slovenia. Eight-year programme lasts from the age of 7 to the age of 15 plus compulsory one-year pre-primary classes preparing children from 6 to 7 years of age for elementary school. In the nine-year compulsory elementary school schooling is prolonged by one year by an earlier start, children are required to start school at the age of 6 instead of 7.

Roma being registered at the Employment Service. The percentage of children attending school and finishing class eight is rising.

Although this data is not exact, it incorporates field experience that Roma generally do not complete basic compulsory education. Even if the share of those who do is on the increase, this is still in stark contrast with only 7 per cent of population without basic compulsory education on the national level<sup>63</sup>.

### Secondary and higher education

For secondary education, even less comprehensive information is available, which can be attributed to a very low level of Roma students both in general and vocational schools. Estimates for Prekmurje region state that 38 students are in various vocational schools and 2 in general secondary school. For other regions, no estimates are available. Since Roma living in Prekmurje are generally thought to be better integrated than Roma in other regions, we can assume that inclusion of Roma in other regions is even lower. Another assumption could be that the share of Roma with at least upper secondary education does not meet the overall national share of 67 per cent of population<sup>64</sup>.

The number of Roma students in higher education is even less: 2 study at School of social work, 2 at Faculty of Education<sup>65</sup> and 1 Roma student at Faculty of law<sup>66</sup>.

Considering this, it is obvious that “the integration of Roma children into Slovenian educational process falls short from achieving its objective, since the percentage of the Roma children that successfully advance through the educational vertical remains extremely low”<sup>67</sup>.

### 2.2.2. Other minorities

The only somewhat recent information on the situation of ethnic minorities of former Yugoslavia in education is to be found in two studies, concentrating on Ljubljana – one on the life of young second generation immigrants<sup>68</sup> and the second on large housing estates<sup>69</sup>. The first study reveals that the likelihood of enrolment in general secondary school is smaller for young immigrants, whose parents are both non-Slovenian than of other children, especially those, whose parents are both Slovenian, and that of these different ethnicities Croats have the highest possibility of being enrolled in a general secondary school (17.6 per cent), and for Bosnians (10.7 per cent) and Serbs (8.8 per cent) prospects are considerably lower. Furthermore, the more demanding a school, the more ethnically homogenous it is. In general secondary schools, the share of children, whose parents are both Slovenian, is 92.2 per cent, whereas for two-year vocational secondary school, this share is 75 per cent.<sup>70</sup> Ethnicity, therefore, is a constituting factor of children’s experience and attainment in education.

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<sup>63</sup> National Education Institute (2003), *Education System in Slovenia 2003/2004*, Ljubljana: Ministry of Education, Science and Sport, p. 4

<sup>64</sup> National Education Institute (2003), *Education System in Slovenia 2003/2004*, Ljubljana: Ministry of Education, Science and Sport, p. 4

<sup>65</sup> For Roma students of pedagogical studies, Ministry of Education, Science and Sport provides a scholarship

<sup>66</sup> Slovenia, Ministry of Slovenian Republic for Education, Science and Sport (2004), *Strategy of education of Roma in Republic of Slovenia*, pp.8-13

<sup>67</sup> Antauer, Ž., Krek, J., Peršak, M., “The Project of Slovenian Roma Language Standardisation and Integration of Roma Culture into Education”, in: Klopčič, V., Polzer, M. (eds.) *Evropa, Slovenija in Romi: zbornik referatov na mednarodni konferenci v Ljubljani, 15. februarja 2002*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 131-141

<sup>68</sup> Dekleva, B., Razpotnik, Š. (2002), *Čefurji so bili rojeni tu: življenje mladih priseljencev druge generacije v Ljubljani*, Ljubljana: Pedagoška fakulteta

<sup>69</sup> Černič Mali, B. et al. (2003), *Large Housing Estates in Slovenia: Overview of developments and problems in Ljubljana and Koper*, (RESTATE report, 2g), Utrecht: Faculty of Geosciences, Utrecht University

<sup>70</sup> Dekleva, B., Razpotnik, Š. (2002), *Čefurji so bili rojeni tu: življenje mladih priseljencev druge generacije v Ljubljani*, Ljubljana: Pedagoška fakulteta, pp. 111-115.

The second study presents a case of a large housing estate in Ljubljana, populated predominantly by ethnic groups from former Yugoslavia, namely Serbs, Croats and Bosnians, and concludes similarly that there is a low level of completed education and that many young people continue their secondary education in vocational schools, fewer in general<sup>71</sup>.

### 2.3. Initiatives in favour of multiculturalism and diversity

A project of standardisation of Roma language is underway<sup>72</sup>. The primary objectives of the project, initiated in 2003, are to produce a Roma-Slovenian glossary/dictionary (two versions, one for the Roma dialect of Dolenjska region, and the other for the dialect of Prekmurje region) and to create a grammar of Roma language, as well as to create accompanying textbooks. The project is designed as part of a broader plan with the objective of including Romany language and culture into the Slovenian school system. The research results will facilitate the creation of a bilingual, Roma-Slovenian, as well as Slovenian-Roma glossary. All concrete achievements of the research will be drawn up in electronic format ensuring a simple transmission of data into various communication media.

With regard to grammar, the project will derive from the analysis of the situation of Roma speakers in Slovenia and the existing grammar textbooks (works already produced in Slovenia and abroad) that will be up-dated and adapted to the situation of language groups and dialects spoken by the Roma in Slovenia. The grammar will be created pursuant to the rules of contemporary linguistics and comparable with other related, already existing grammars that apply to Roma in certain other European countries. The project hopes to achieve that the Roma children will be taught in their native language and of their own past, and that it will provide an opportunity to preserve the written tradition of Roma language and thus spare it from extinction, while at the same time, this will also represent an opportunity to allow literary growth of the language.

The project team includes a linguist specialising in the Roma language, a linguist specialising in comparative linguistics, a Roma with prior experience of cooperation with foreign linguistic experts, and other specialists, such as a specialist for the preparation of the concept of the glossary as well as two foreign linguists specialising in the Roma language, and experts from abroad who have already acquired abundant experience in introducing the Roma language into the school system. The first phase of the project, financed by the Ministry of Education, Science and Sport, is to be completed by 2006.

Another project that deserves to be mentioned as an example of good practice in favour of multiculturalism and diversity, is *Integration of Roma children into Mainstream Education in Slovenia*, which was already mentioned in the previous chapter on Employment (see page 16). The project was designed and implemented by the Developmental Research Centre for Educational Initiatives Step by Step at the Educational Research Institute of Slovenia, based in Ljubljana. This project, financed primarily by Roma Education Initiative of the Open Society Institute with assistance from the US Embassy and Ministry of Education, Science and Sport, is also a continuation from previous years and aims at improving prospects of Roma children engaged in pre-schooling and at elementary school level in schools in Dolenjska region, where Roma population is more segregated and enjoys lower socio-economical status. In a school in Dolenjska region, after twenty-five years of school's existence, only three Roma students have succeeded in advancing beyond the level of basic compulsory education. However, after two years of the mentioned project, a significant improvement may be observed, not only with class attendance of Roma children, which is in constant rise, but also

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<sup>71</sup> Černič Mali, B. et al. (2003), *Large Housing Estates in Slovenia: Overview of developments and problems in Ljubljana and Koper*, (RESTATE report, 2g), Utrecht: Faculty of Geosciences, Utrecht University, p.50

<sup>72</sup> Antauer, Ž., Krek, J., Peršak, M., "The Project of Slovenian Roma Language Standardisation and Integration of Roma Culture into Education", in: Klopčič, V., Polzer, M. (eds.) *Evropa, Slovenija in Romi: zbornik referatov na mednarodni konferenci v Ljubljani, 15. februarja 2002*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 131-141

in higher marks of Roma pupils and changed stereotypes, which were often used by teachers when addressing Roma children<sup>73</sup>.

## 2.4. State provisions for minority education

In 1998, Slovenia ratified the Council of Europe's Framework Convention for the Protection of National Minorities. In the text of the declaration committed itself to apply, in accordance with the Constitution of the Republic of Slovenia and Slovenia's national legislation, the provisions of the Framework Convention also to members of the Roma community residing in Slovenia. The Framework Convention leaves to the state parties to define the groups which they consider to be national minorities. In compliance with the Constitution and the national legislation, Slovenia declared the autochthonous Italian and Hungarian national communities to be such groups. Furthermore, the provisions of the Framework Convention would be applied *mutatis mutandis* also to the members of the Roma community residing in Slovenia. A distinction needs, therefore, to be made between officially recognized ethnic minorities, such as the Hungarian and Italian minority on the one hand, and Roma on the other, and minorities that are not recognized as such. This includes especially ethnic communities of former Yugoslavia, Serbs, Croats, Bosniacs, Albanians, Macedonians and Montenegrins.

### 2.4.1. Italian and Hungarian national minorities

State provisions cover minority education for the autochthonous Italian and Hungarian national communities, whose rights are guaranteed in Article 64 of the Constitution. Besides general educational legislative provisions, a special law regulates this issue (Special educational rights of the Italian and the Hungarian ethnic minorities Act<sup>74</sup>). The Act provides bilingual education in ethnically mixed regions (education in mother tongue, second language acquisition (majority or minority language), as well as getting to know the culture and history of one's own nation and the nation one lives with).

In the Slovene-Italian ethnically mixed area of Istria, children frequent preschool institutions, primary and secondary schools, colleges with the Slovene or Italian language of instruction and with the second language as the obligatory subject of the curricula. Therefore, pupils are educated in Slovene or Italian, but also learn the second language.

In the Slovene-Hungarian ethnically mixed area of Prekmurje, the educational process is bilingual for all pupils, irrespective of their ethnicity, at all grades (from kindergartens and primary schools, up to different types of secondary school). Bilingual education in Prekmurje has been functioning since 1959. Their social goal is cultural pluralism, while their linguistic goal is to provide equal possibilities for the use of both languages<sup>75</sup>. Provisions for minority education for both of these territorially-based minorities are regulated exemplarily.

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<sup>73</sup> Roma Education Initiative (2004), *Integration of Roma children into Mainstream Education in Slovenia. Annual Research and Evaluation Report*; The report is an external evaluation and was provided for the purpose of this report only.

<sup>74</sup> Slovenia / SOP: 2001-01-2046, (11.05.2001)

<sup>75</sup> The excerpt on Italian and Hungarian minority education is taken from EUMC (2004), *Comparison of the reports on national strategies for minority schooling*, (forthcoming)

## 2.4.2. Roma

Education of Roma is provided for in a number of acts and other legal documents, including Organisation and Financing of Education Act<sup>76</sup>, Kindergarten Act<sup>77</sup>, Elementary School Act<sup>78</sup>, Adult Education Act<sup>79</sup> (this act does not mention Roma in particular, but is also relevant), Instructions for implementation of elementary school programme for Roma pupils (1993) and Instructions for implementation of elementary school programme for Roma pupils for the nine-year elementary school (2000), and the Supplement to Curriculum for kindergartens concerning work with Roma children. Additionally, Roma Aid Program and both the Joint Memorandum on Social Inclusion and the National Action Plan on Social Inclusion provide a framework for policy implementation.

The state assigns additional financial assets for individual and group work with Roma children, it establishes more benefit standards for Roma classes, and in addition to the ordinary system it finances nutrition, textbooks, excursions, etc. Scholarships are given to Roma students on pedagogy (university) studies. Many additional initiatives on the part of teachers, headmasters and state administrators make effort to help children improve and to make them feel a part of community. The National Education Institute has established special study groups of teachers who teach Roma pupils<sup>80</sup>.

The above measures contributed to improved cooperation of Roma children in classes and to a higher level of attendance. But there are some persisting problems, like a lack of teaching staff with good command of both, Slovene and Roma language. Moreover, even though the state has recently financed publishing of the first textbook for education of Roma language<sup>81</sup>, in general Roma have not been provided with Roma language and culture education and the strategy of inclusion was assimilative rather than integrative. Hopefully, the newly adopted Strategy of Education of Roma in Republic of Slovenia will manage to improve the educational experience of Roma children in the future.

## 2.4.3. Other ethnic minorities

As regards the members of nations from former Yugoslavia residing in Slovenia and the settlement of their status, modest provisions can be found in the “Statement of Good Intentions”, item 1, parag. 2, which states: The independent Republic of Slovenia guarantees to the Italian and Hungarian national communities all rights defined by the Constitution, laws and international instruments concluded and recognized by the SFRY.

Legal basis for the status of members of the nations of former Yugoslavia residing in the Republic of Slovenia has been provided by the concluded *bilateral cultural agreements* between the Government of the Republic of Slovenia and Governments of countries of origin of the respective minority ethnic community, namely Croatia, Bosnia and Herzegovina, Macedonia, Albania and the Federal Republic of Yugoslavia<sup>82</sup>.

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<sup>76</sup> Slovenia / SOP: 2003-01-5027, (24.11.2003)

<sup>77</sup> Slovenia / SOP: 1996-01-0569, (29.02.1996)

<sup>78</sup> Slovenia / SOP: 1996-01-0570, (29.02.1996)

<sup>79</sup> Slovenia / SOP: 1996-01-0572, (29.02.1996)

<sup>80</sup> Kovač Šebart, M., Krek, J. (2003) “Multicultural education of Romanies in Slovenia”, in: Kozłowska, A. (ed.) *Multicultural education in the unifying Europe*, Częstochowa: Wydawnictwo Wyższej szkołypedagogicznej w Częstochowie, pp.75-88.

<sup>81</sup> Barle Lakota, A., Gajgar, M., Horvat, J., Kovač Šebart, M., Krek, J. (eds.) (2004) *Strategija vzgoje in izobraževanja Romov v republiki Sloveniji*, Ministrstvo za šolstvo, znanost in šport: Ljubljana, p.7

<sup>82</sup> Respectively, *Agreement on Cooperation in Culture and Education between the Government of the Republic of Slovenia and the Government of the Republic of Croatia* (Ur.l. RS, No. 51/94); *Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on Cooperation in the Fields of Culture*,

Ever since 1992, the Ministry of Culture has been, within its capacities, supporting cultural programmes and projects proposed by the Italian and Hungarian national communities as well as societies of other minority communities. The act implementing the Public Interest in Culture from 2002 gave this measures a legal basis. According to the legal framework, everybody is guaranteed a right to use their mother tongue before the judicial and administrative bodies in Slovenia. Everybody is guaranteed the right to use their personal name in the original form and is free to manifest their religion. Furthermore, the Elementary School Act (Ur.I. RS, No 1996) opened up the possibility that, in line with international treaties, classes in their mother tongue are organised for children of Slovenian citizens, who reside in Slovenia but whose mother tongue is other than Slovenian.

Although the Elementary School Act<sup>83</sup> provides for supplementary lessons for children of Slovenian citizens, whose mother tongue is not Slovenian, this measure has not been implemented broadly and consistently. Only recently has the Ministry of Education, Science and Sport, as part of the curricula update, begun to introduce programmes of minority language and culture lessons in primary schools with the intention of including programmes for all ethnicities of former Yugoslavia living in Slovenia. In the school year 2002/2003, Croatian language course as a facultative subject has been implemented for the first time, and this is now an established part of the curriculum. The objectives of this programme are to improve ability of communicate in Croatian language, develop linguistic abilities and getting to know Croatian culture and civilization. For other languages, programmes are in different phases of preparation, in cooperation with concerned ethnic communities.

This new approach is commendable in its ambition to include multicultural diversity of Slovenia in school curriculum. Due to a lack of such programmes, members of these communities have attempted to introduce them themselves, sometimes with cooperation of schools. Such is the case of a Serbian cultural association that introduced lessons of Serbian language, literature, history and music to children/youth from seven to eighteen years, four pedagogical hours per week in form of afternoon classes on a primary school<sup>84</sup>. In 2003, the Bosniac community filed an application for a formal and legal recognition as a minority. This was later followed by a public initiative, filed by a coordination of unions and cultural associations of constitutive nations of the former SFR of Yugoslavia, to become nominally included in the Slovenian Constitution and constitutionally defined as national communities/minorities. The initiative has until now not merited a proper response from the authorities.

#### 2.4.4. Religious symbols in schools

The issue of religious symbols in schools has not been particularly visible and only one case was reported in 2004<sup>85</sup>. A biology professor who also happens to be a Catholic nun, has been wearing a headscarf in class, which is a part of religious clothing, though the rest of her clothing was civil. An anonymous complaint has been made at the Inspectorate for Education and Sport<sup>86</sup>, but the Inspectorate found no ground for taking action. Although the Constitution<sup>87</sup> explicitly emphasizes

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*Education and Science (Ur.I. RS, No. 69/2000); Agreement on Cooperation in Education, Culture and Science between the Government of the Republic of Slovenia and the Government of the Republic of Macedonia (Ur.I. RS, No. 25/97); Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Albania on Cooperation in Education, Culture and Science (Ur.I. RS, No. 36/94), Agreement between the Government of the Republic of Slovenia and the Federal Government of the Federal Republic of Yugoslavia on Cooperation in Culture and Education (Ur.I. RS, No. 47/2002).*

<sup>83</sup> Slovenia / SOP: 1996-01-0570, (29.02.1996)

<sup>84</sup> Šuljič, T. (2003) "Pouk srbsčine v Mariboru", in: *Mladina*, (03.11.2004), p.36

<sup>85</sup> Ivelja, R.(2004) "Kaj lahko redovnica obleče za poučevanje v (javni) šoli", in: *Dnevnik*, (05.10.2004), p.4

<sup>86</sup> Information submitted by Inspectorate for Education and Sport upon request.

<sup>87</sup> Slovenia / SOP: 1991-01-1409, (23.12.1991)

separation between the state and church, there are no provisions, which would prohibit workers in public schools to wear religious symbols. Organisation and Financing of Education Act<sup>88</sup> prohibits confessional activities in public schools and in private schools with state concession<sup>89</sup>. Confessional activities include religious instruction or confessional lessons of religion with the objective of educating for this religion, instruction for which contents, textbooks, training of teachers and suitability of teachers are defined by a religious community, and organised religious rituals.

To avoid ambiguous situations in the future, it would be useful to clarify regulation on this issue. In a case unrelated to education, the issuing of a document was refused to a Muslim woman whose personal photo for her driving licence pictured her wearing a headscarf, on the grounds of Article 5 of the Rules on Driving Licenses<sup>90</sup> which orders the personal photo to be taken from the front, without a hat, a cap or a headscarf.

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<sup>88</sup> Slovenia / SOP: 2003-01-5027, (24.11.2003)

<sup>89</sup> Slovenia / SOP: 1996-01-0567, (06.02.1996)

<sup>90</sup> Slovenia / SOP: 2002-01-5706, (28.12.2002)

## 3. Legislation

### 3.1. Act Implementing the Principle of Equal Treatment

The Act Implementing the Principle of Equal Treatment was adopted in April 2004 and entered into force on May 7, 2004<sup>91</sup>. It can be understood as a major step in transposition of the two major anti-discrimination directives, especially the Directive 2000/43/EC. The Directive 2000/78/EC was transposed to a considerable extent in the Employment Relationships Act which entered into force on 1 January 2003.

The Act Implementing the Principle of Equal Treatment was introduced to ensure “equal treatment of all persons in performing their duties and exercising their basic freedoms in every field of social life, and especially in the fields of employment, labour relations, participation in trade unions and interest associations, education, social security, access to and supply of goods and services. This shall be available, irrespective of personal circumstances such as nationality, racial or ethnic origin, sex, health state, disability, language, religious or other conviction, age, sexual orientation, education, financial state, social status or other personal circumstances.”

The Act explicitly bans direct or indirect discrimination, where direct discrimination occurs “when a person has been, is or could be treated less favourably than another person in an equal or comparable situation on grounds of such a personal circumstance” and indirect discrimination occurs “when apparently neutral provision, criterion or practice in equal or comparable situations and under alike conditions put a person with a certain personal circumstance in a less favourable position compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary”.

The Act also bans victimisation and harassment. While a ban on harassment was also included in the Employment Relationships Act<sup>92</sup>, inclusion of a ban on victimisation is a legal novelty. In the event of victimisation, i.e. in the event of a person discriminated against being subjected to harmful consequences due to his or her actions in relation to cases of violation of the ban on discrimination in the environment in which the violation is alleged to have been committed, the Advocate of the Principle of Equality can order the corporate body or other body in law where the violation of the ban on discrimination is alleged to have occurred to apply appropriate measures to protect the person discriminated against from victimisation or adverse consequences that have occurred from victimisation. Furthermore, if the alleged offender failed to act in accordance with this order, a competent inspector then prescribes appropriate measures that protect the person discriminated against from victimisation.

The National Assembly, the Government, ministries and other state bodies and bodies of self-governing local communities are defined in the Act as responsible for establishing conditions for equal treatment “through raising awareness and monitoring the situation in this field, as well as through measures of a normative and political nature”. The coordination of activities related to the implementation of this act, and technical and administrative duties have been appointed to the Office for Equal Opportunities.

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<sup>91</sup> Slovenia / SOP: 2004-01-2295, (06.05.2004)

<sup>92</sup> Slovenia / SOP: 2002-01-2006, (15.05.2002)

### 3.1.1. Council of the Government for the implementation of the Principle of Equal Treatment

As required by the Directive 2000/43/EC, the Act establishes two bodies for the promotion of equal treatment, the Council of the Government for the implementation of the Principle of Equal Treatment (hereinafter, the Council) and the Advocate of the Principle of Equality. In Article 9, the Act establishes the Council and defines its duties to be implementation of the provisions of this act, monitoring, ascertainment and assessment of positions of individual groups within society, submission of proposals, initiatives and recommendations for the adoption of directives and measures that are necessary for the implementation of the principle of equal treatment and proposals for the promotion of education, awareness-raising and research in the field of equal treatment of persons. The role of the Council can thus be understood to comply with the requirements of the Directive 2000/43/EC in the field of monitoring of policy implementation and submission of policy proposals.

Once it is established, the Council will have representatives of individual ministries and governmental services, non-governmental organisations, as well as expert institutions active in the field of equal treatment. Although it should have been established within three months of the act entering into force, i.e. until the beginning of August 2004, the Council has not yet been established and the delay is expected to be longer due to recent national elections and the time it takes for the constitution of a new government and new ministers who will then appoint representatives to the Council.

### 3.1.2. Advocate of the Principle of Equality

The Act establishes another body, namely the Advocate of the Principle of Equality (hereinafter, the Advocate), whose purpose is to hear cases of alleged violations of the ban on discrimination. Competences of the Advocate include independent assistance to victims of discrimination, independent surveys concerning discrimination and publishing independent reports.

The Advocate starts hearing a case on a written or verbal initiative, which may also be anonymous, provided that the initiative is submitted as soon as possible, and not later than one year of the case originating. Exceptionally, the Advocate may hear a case even after the expiration of this time if the case is considered to be important or serious. Hearing a case is informal and free of charge. The Advocate has the right to request the persons involved to provide him or her with appropriate explanations within a specified time-limit and to invite all persons involved to an interview, but generally hearing a case shall be done in writing. A case has to be concluded by a written opinion in which the Advocate states her or his findings and an assessment of the circumstances of the case, in the sense of the existence of a violation of the ban on discrimination, and informs both parties about it. The Advocate can point out irregularities and issue a recommendation on how these should be rectified, as well as call for the alleged offender to inform her or him, within a specified time-limit, of the measures taken.

In case established irregularities are not rectified or an alleged violation has all the indications of discrimination, the Advocate sends a written opinion to the competent inspection service. The inspector then deals with the opinion and proposes to the competent body to introduce a procedure due to a misdemeanour. Before introducing such a procedure, the inspector may perform other acts required to establish the actual circumstances of the misdemeanour, as well as to rectify its consequences. If the person discriminated against should still be subjected to victimisation, the inspector has to prescribe appropriate measures that protect the person discriminated against from victimisation, or to prescribe the remedying of adverse consequences of victimisation.

Burden of proof lies with the alleged offender, and if the ban on discrimination has been violated, the offender shall be fined from 50,000 to 300,000 SIT (approximately €208 to €1250), a corporate body or an individual entrepreneur 500,000 to 10,000,000 SIT (approximately €2080 to €41670), and the

responsible person of a state body or of a self-governing local community 50,000 to 500,000 SIT (approximately €208 to €2080).

As in the case of the Council, the institute of the Advocate has not been put into practice yet due to full cadre-quota of the Office for Equal Opportunities. The Office expects that the government will be able to solve the problem of new employments by the end of the year 2004<sup>93</sup>. Regardless of good intentions the government is again in breach of its own law, because as with the Council, the body of the Advocate should have been fully established within three months of the Act entering into force. As a matter of fact, the government has set out five primary objectives in the period 2004-2006 for preventing discrimination (to establish the Council; to establish the Advocate; to define the framework for the fight against discrimination owing to personal circumstances in employment and work; to implement an awareness-raising campaign as part of the EU anti-discrimination campaign "For diversity - against discrimination"; to establish a network of those that work in the area of discrimination prevention) and so far none of the objectives that the government has to implement (the awareness-raising campaign is run by a private company) have been fulfilled.

### 3.1.3. The role of non-governmental organisations

The role of non-governmental organisations in the implementation of the principle of equal treatment is defined in different sections of the Act: it foresees co-operation of the Government and competent ministries with social partners and non-governmental organisations that are active in the field of equal treatment, representatives of non-governmental organisations will be sitting in the Council, and non-governmental organisations shall have the right to take part in judicial and administrative proceedings initiated by persons discriminated against because of violation of the ban on discrimination. Although these provisions comply with the requirements of the Directive 2000/43/EC, it is too early to give any evaluation on the implementation of co-operation between the government and non-governmental organisations, and of government's consideration of the NGOs contribution.

## 3.2. Other relevant legal provisions or jurisprudence

### 3.2.1. Convention on Cybercrime

Council of Europe's Convention on Cybercrime and the Additional Protocol to the Convention on Cybercrime, concerning the Criminalisation of Acts of a Racist and Xenophobic Nature committed through Computer Systems were ratified by Slovenia in May 2004, and the Act on the Ratification entered into force in June 2004<sup>94</sup>. The act appoints the duty of overseeing the implementation of the provisions of the Convention and the Additional Protocol to the Ministry of Information Society, however the Ministry has so far not explicitly outlined its activities regarding this, and it has also not appointed a person or a team to perform this task. Slovenian Police also does not have a special team for this purpose, nor does it monitor racist web sites. Government's commitment to implement provisions of the Convention, and as far as this report goes especially the anti-discriminatory provisions of the Additional Protocol, thus needs to be re-examined.

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<sup>93</sup> Information provided by the Office for Equal Opportunities upon request.

<sup>94</sup> Slovenia / SOP: 2004-02-0068, (07.06.2004)

### 3.2.2. Decree on the rights and duties of refugees in the Republic of Slovenia

A new Decree on the rights and duties of refugees in the Republic of Slovenia<sup>95</sup> entered into force in April 2004, assigning refugees the right to help with integration, right to housing, right to social and health security, right to schooling, education, employment and work, and right to free legal assistance. Help with integration is provided to refugees for a maximum period of three years, and is based on a personal integration plan laid out by the responsible Ministry in cooperation with the refugee. The plan includes learning of Slovene language, culture and constitutional regulation of Slovenia, education and qualification for improvement of employment prospects, employment and work possibilities, housing possibilities, and possibilities of active inclusion into the local community. Personal integration plan is prepared for a period of one year and is evaluated by the Ministry after six months and adapted if necessary.

Based on the personal integration plan, a Slovenian language course (maximum 300 hours), a course on culture, history and constitutional regulation of Slovenia (maximum 30 hours), a test of knowledge of basic Slovenian and public transport to the nearest performer of mentioned courses are financially covered by the Ministry. Additionally, refugees without income are entitled to temporary financial assistance for a period of up to six months. Financial assistance is determined in the amount of minimal income.

The decree also provides assistance to refugees in housing. For a period of six months from the day of acquisition of the refugee status, accommodation is provided within Ministry's housing capacity, and for specially vulnerable groups, especially unaccompanied minors, invalids, elderly people, pregnant women, unaccompanied women, single parent families, victims of sexual abuse, torture or organised violence, special accommodation is provided by the Ministry and the duration period of accommodation can be extended for the duration of reasons upon which the person was classified into a vulnerable group. For refugees in private housing, financial compensation is available for a period of maximum of three years, and is defined in percentage of minimal income, ranging from 75 per cent for a single person, to 250 per cent for a family with seven or more members.

The decree is relatively new and it is therefore too early to evaluate its impact. It is commendable that the decree does away with a legal blank on this issue, though some non-governmental organisations already reported that in order for a refugee to prepare his or her personal integration plan, permanent residence is required and this is difficult to obtain<sup>96</sup> (landlords are reluctant to rent apartments to refugees, let alone sign a contract and permanent residence attestation). In asserting their social security rights, refugees are placed on the same level as foreigners with permanent residence, and in schooling and education and employment and work, the right of refugees<sup>97</sup> are on an equal level with citizens of Slovenia. For integration to be successful, additional measures of positive discrimination should be considered, especially in the initial period. The above-mentioned decree unfortunately does not regulate the rights of persons with the status of a refugee with temporary asylum<sup>98</sup>, i.e. refugees from Bosnia and Herzegovina and puts them at a disadvantage.

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<sup>95</sup> Slovenia / SOP: 2004-01-1434, (06.04.2004)

<sup>96</sup> Information submitted by Foundation Gea 2000, an NGO, which offers legal assistance to asylum-seekers and conducts vocational trainings for refugees in order to improve their employment prospects.

<sup>97</sup> 97 persons in total have been granted the status of a refugee, according to this Act, either as a conventional refugee or a refugee for humanitarian reasons.

<sup>98</sup> Their rights and duties are regulated by the Act Amending the Temporary Asylum Act: Slovenia / SOP: 2002-01-3241, (26.07.2002)

### 3.3. Strategies and initiatives for further developing legal provisions

Commission for the protection of Roma ethnic community is a working body of the government, composed of representatives of ministries, governmental services and other state bodies, a representative of the Roma Union of Slovenia, and representatives of some municipalities, where autochthonous Roma people live. The Commission monitors implementation of constitutional and legal provisions, seeks official viewpoints from the government or ministries, facilitates exchange of opinions between representatives of Roma and government bodies, and makes proposals, initiatives or opinions in relation with state bodies who are involved in Roma issues.

The Commission has been involved with monitoring of governmental programmes for Roma, encouraging participation of Roma at a local level (Roma town councillors), encouraging municipalities with Roma councillors to establish commissions for Roma issues, to include special budget items for Roma and to provide equal conditions of work to Roma councillors. Specific tasks of the Commission include:

- Following the implementation of constitutional obligations and statutory provisions of the Republic of Slovenia applying to the Roma ethnic community.
- Formation of proposals and initiatives related to the protection of the Roma ethnic community.
- Exchange of views between representatives of the Roma ethnic community and state bodies on all issues related to the situation of the Roma community.
- Dealing with topical issues concerning the exercise of special rights of the Roma Ethnic Community.

The Commission has also discussed a report on the situation of Roma in Slovenia with a survey of Roma settlements and an overview of financing of the autochthonous Roma community in Slovenia. Policy measures for the improvement of overall situation of Roma in Slovenia were also formulated by the Commission.

An informal network of non-governmental organisations including Amnesty International, Gea 2000, Legal-information centre for NGOs, Peace Institute, Slovene Philanthropy, KUD France Prešeren, has been active for some years in monitoring asylum and refugee policy, and cooperating with competent authorities, especially the Migrations Directorate at the Ministry of the Interior. The network has submitted numerous proposals or comments to official documents in writing or in meetings with ministry representatives, though their experience shows that their proposals were rarely acknowledged or incorporated.

## 4. Housing

### 4.1. Racism and discrimination in housing

Current housing policy in Slovenia is laid out in the National Housing Programme (2000)<sup>99</sup> and in the Housing Act (2003)<sup>100</sup>. Housing as a factor of possible social exclusion is also mentioned in two principle government papers on this issue, the Joint Memorandum on Social Inclusion of Slovenia<sup>101</sup> and the National Action Plan on Social Inclusion (2004-2006)<sup>102</sup>. Unfortunately, the Housing Act does not contain specific provisions on prohibition of racial or ethnic discrimination and neither of these documents provides a coherent outline for dealing with discrimination in housing.

Key elements of the housing policy are threefold, i.e. non-profit rental housing, Housing Fund loans and saving schemes, and rent subsidies. Eligible for any of these are citizens of Slovenia, and as of May 2004, citizens of EU member states with permanent residence in Slovenia. The criteria of citizenship puts at a disadvantage all others, for example “non-autochthonous” Roma who have mostly migrated to Slovenia in the period of war in former Yugoslavia and often live in sub-standard housing without basic infrastructure. Non-availability of non-profit rental housing or other measures of social inclusion policies in housing means reliance on privately owned housing<sup>103</sup>, where different forms of harassment and discrimination have been reported by NGOs and Centres for Social Work, for example refusal of rental to foreigners, usurious rents, rental without a contract, etc.<sup>104</sup> In this respect, persons without (appropriate) citizenship are not discriminated against directly, but their discrimination or unequal treatment results from apparently neutral provisions.

Available data shows there is a considerable lack of rental housing in general, but specifically of non-profit rental housing. Joint Memorandum on Social Inclusion states that “obtaining non-profit and social housing is almost at a complete standstill” and that “recently there has been a shortfall in non-profit housing (including social housing), amounting to 8,500 units”<sup>105</sup>. Lack of affordable rental housing is probably the major structural barrier that individuals face in the housing market. This barrier is not specific for any particular segment of citizens, yet vulnerable groups are probably more exposed to it because of their generally weaker social situation. To amend this situation, new policy documents, especially the new Housing Act, have introduced different measures such as a new system of subsidising rents (rent supplement) for low-income tenants<sup>106</sup>, and a new unified method of deciding non-profit rents (including social rents), which will be introduced gradually until 2006. The Housing Act reintroduces the category of temporary or emergency accommodation as a temporary solution for acute housing problems (maternity homes, youth crisis centres, safe houses, assisted housing for the elderly and handicapped persons, shelters for the homeless individuals, etc.) and we

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<sup>99</sup> *Nacionalni stanovanjski program*, Official Gazette of the Republic of Slovenia 43/2000

<sup>100</sup> Slovenia / SOP: 2003-01-3312, (16.07.2003)

<sup>101</sup> Joint Memorandum on Social Inclusion of Slovenia, [http://www.gov.si/mddsz/pdf/jim\\_an.pdf](http://www.gov.si/mddsz/pdf/jim_an.pdf), (02.10.2004)

<sup>102</sup> National Action Plan on Social Inclusion (2004-2006), [http://www.gov.si/mddsz/pdf/nap\\_en\\_04\\_06.pdf](http://www.gov.si/mddsz/pdf/nap_en_04_06.pdf), (02.10.2004)

<sup>103</sup> According to the Statistical Office, 92.5 per cent of dwellings belong to the private sector, and 6.2 per cent to the public sector. Of all housing stock, 12.6 per cent is rental and 87.3 per cent is owner-occupied. See: Statistical Office (2004), *Statistični letopis 2003*.

<sup>104</sup> No national register of private property owners exists, and the Statistical Office does not differentiate private housing into owner-occupied and rented. This is just one obstacle in providing reliable data on housing.

<sup>105</sup> Joint Memorandum on Social Inclusion of Slovenia, [http://www.gov.si/mddsz/pdf/jim\\_an.pdf](http://www.gov.si/mddsz/pdf/jim_an.pdf), (02.10.2004), pp. 10-11.

<sup>106</sup> The proposed subsidy system calculates a subsidy relative to tenant's income and it will allegedly enable the subsidising of rents at up to 80 per cent of the total rent (currently up to 50 per cent). This is one of the key new features brought by the Housing Act to ensure social inclusion. “It is estimated that between 10,500 and 12,000 tenants will receive such a rent allowance, which is a substantial increase on previous numbers of recipients (around 2,700).”; [http://www.gov.si/mddsz/pdf/jim\\_an.pdf](http://www.gov.si/mddsz/pdf/jim_an.pdf), (02.10.2004), p. 32.

can assume that these arrangements are also accessible to persons without Slovenian citizenship, as was reported by some NGOs<sup>107</sup>.

In housing policy and research of the last decade, migrants and ethnic minority issues were not systematically explored, but only touched upon, mostly in terms of 'vulnerable groups' and 'illegal settlements'. As far as this report is concerned, the only vulnerable group identified by official housing policy is the Roma community, more precisely, especially Roma living in Roma settlements. Unfortunately, the housing situation of other migrant groups, especially immigrants from former Yugoslavia, is not dealt with. Position of migrants in housing is related to their position in the labour market and research shows that migrants have a higher than average unemployment rate<sup>108</sup>. Therefore it is safe to assume that at least some segments of the migrant population could be considered as vulnerable, especially migrants of the second wave of immigration in 1980s and 1990s, many of whom do not have Slovenian citizenship, which puts them at a disadvantage. Their situation even worsened with the war, when their families came to Slovenia as refugees. Therefore, for integration and/or social inclusion policies to be effective, the issue of migrant housing should be observed in more detail and sensitivity.

#### 4.1.1. Roma

A brief overview of all available data, research and policy proposals on housing shows that without doubt the Roma community is one of the most disadvantaged, especially Roma who live in Roma settlements, where poor housing conditions are further aggravated by segregation: "The majority of the Roma population in Slovenia live in settlements that are isolated from the rest of population, or at least on the outskirts of urban areas"<sup>109</sup>. Most of these settlements are in the north-eastern and south-eastern parts of Slovenia, which also tend to be the poorest regions in the country. Comparison between characteristics of poor households and known statistics on Roma in Slovenia shows that Roma frequently display characteristics typical of the poorest households in Slovenia.

National housing policy has identified Roma as one of principal vulnerable groups. The National Action Plan on Social Inclusion, published in 2004, ascertains that the "housing conditions for Roma are in general considerably worse than for the rest of the population. In some communities, unsuitable residential buildings are still in use, without sanitation, electricity, mains water, sewerage or waste removal," and sets as an objective "to tackle the problem of Roma settlements - help from municipalities and the state for purchase of land (where this is needed) and legalisation of existing buildings, plus the provision of appropriate infrastructure"<sup>110</sup>.

According to the data available, only about 12% of the Roma live in apartments, 39% live in masonry residential building, half of which were built without the licences required by administrative authorities and the remaining Roma population live in makeshift housing (barracks, containers, trailers)<sup>111</sup>. On the basis of the collected data, there are more than 20 municipalities with 90 Romany settlements in Slovenia. The largest Romany settlement is Pušča in Murska Sobota Municipality, with approximately 670 residents; whereas the smallest settlement is Pince in Lendava Municipality with two residents.

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<sup>107</sup> Boškić, R., Filipović, M. (2002) "Ranljivost na stanovanjskem področju – kako jo zaznavajo organizacije in oblikovalci politik v Sloveniji", in: Mandić, S., Filipović, M. (eds.) *Stanovanjske študije*, Ljubljana: Fakulteta za družbene vede.

<sup>108</sup> Dolenc, D. (2003) Migracije z območja nekdanje Jugoslavije v Slovenijo in njih socio-geografski učinki, Ljubljana: Filozofska fakulteta, p.137

<sup>109</sup> Joint Memorandum on Social Inclusion of Slovenia, [http://www.gov.si/mddsz/pdf/jim\\_an.pdf](http://www.gov.si/mddsz/pdf/jim_an.pdf), (02.10.2004), p. 36

<sup>110</sup> National Action Plan on Social Inclusion (2004-2006), [http://www.gov.si/mddsz/pdf/nap\\_en\\_04\\_06.pdf](http://www.gov.si/mddsz/pdf/nap_en_04_06.pdf), (02.10.2004), p. 20

<sup>111</sup> Governmental Commission for the protection of Roma ethnic community, 2nd session, September, 2003, internal material (transcript)

A worsening factor in the issue of Roma housing is the process of denationalisation - property that had been nationalised by the State at the end of the World War II, was given back to pre-nationalisation owners. In the case of Roma, who had often lived on what was state/municipal land, this meant that their settlements were now on privately owned property and thus illegal. From 105 Roma settlements<sup>112</sup>, only 31 have formally legalised status<sup>113</sup>. A process of legalisation is underway in a number of municipalities with some assistance from the Housing Fund and the Ministry of Environment, Spatial Planning and Energy in regulatory (finding legal basis for the legalisation), but also of allocative financial (such as co-financing the purchase of the land on which the Roma settlements exist). Experience shows, however, that on previous calls for application for Housing Fund's loans no applications were put in by municipalities or Roma communities to utilize them in solving Roma housing problems. As one researcher noted, this may be due to limited resources allocated to the legalisation and regulation, which sometimes led municipalities to halt these projects, and consequentially these measures were not implemented fully and with required resolution<sup>114</sup>. The Housing Fund is about to publish a new call for applications shortly, and an integral part of this call is a proposal to utilize funds for solving housing issues of vulnerable groups, including Roma. A representative of the Housing Fund also met with representatives of the Roma Union of Slovenia, to draw their attention to this and ask for their cooperation in alerting Roma about it.

Available research suggests that there are several aspects related to Roma settlements<sup>115</sup>:

- Land-use problems (settlements are often located in areas that have been designed as agricultural areas or protected areas for water supply, and not as residential areas; since 1991 there were several cases of (forced) relocation of Roma settlements)
- Legalisation and ownership problems (connected to the issue of denationalisation, mentioned earlier, and to some Roma's poor understanding of legal issues (in a reported case, a Roma family paid for land, but failed to sign an ownership contract<sup>116</sup>))
- Infrastructure and facilities (as a consequence of unsolved property issues many Roma live in inadequate housing and their settlements are without some basic amenities such as running water and electricity, organized waste removal, sanitary facilities, sewerage, telephone network, road connections)
- Functional disruption of property and modification of landscape (deforestation, crop theft, environmental pollution, etc.)
- Opposition and conflicts between Roma and non-Roma (unresolved issues and prejudice lead to segregation and ghettoisation of Roma settlements, thus further aggravating their prospects of social inclusion, or worse, there have been cases of protests and open conflict in attempt to move Roma from their neighbourhoods or from their land<sup>117</sup>)

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<sup>112</sup> In 2004, the Office for Nationalities compiled a registry of Roma settlements, but despite repeated requests access to this document was not granted to the National Focal Point.

<sup>113</sup> Tratar, M. et al. (2003), *Report on Measures to Combat Discrimination in the 13 Candidate Countries (VT/2002/47): Country Report Slovenia*, p.15, available at: <http://www.migpolgroup.com/uploadstore/SLOVENIAFinalEN.pdf> (24.06.2004)

<sup>114</sup> Perić, T. (2001), "Insufficient: Governmental Programmes for Roma in Slovenia. Field Report", in: *Roma Rights*, no. 2,3

<sup>115</sup> Zupančič, J. (2003) "Roma problems in the light of spatial relations", in: Klopčič, V., Polzer, M. (eds.) *Evropa, Slovenija in Romi: zbornik referatov na mednarodni konferenci v Ljubljani, 15. februarja 2002*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 112-128.

<sup>116</sup> Steklačič, G. (2003) "The Roma people in Grosuplje Municipality", in: Klopčič, V., Polzer, M. (eds.) *Evropa, Slovenija in Romi: zbornik referatov na mednarodni konferenci v Ljubljani, 15. februarja 2002*, Ljubljana: Inštitut za narodnostna vprašanja, p. 293

<sup>117</sup> Petkovič, B. (2004) "Ne le sosede, tudi najboljši sosed ne mara Romov", in: *Poročilo skupine za spremljanje nestrpnosti*, no. 3, pp. 70-81.

Poor housing situation of the Roma community was observed by the Commissioner for Human Rights of the Council of Europe who noted that “prejudices not only manifest themselves in relations between individuals, but frequently impact on the conduct of local authorities, leading, for instance, to uneven allocation of resources for infrastructure and housing projects between Roma and other inhabitants”<sup>118</sup>.

For Roma who live outside of Roma settlements and utilize non-profit rental housing options, there is no evidence on discrimination. Available information shows that due to Roma's comparatively bigger poverty, they are actually more likely to benefit from non-profit housing schemes, if criteria for selection include poverty indicators. Through a Housing Fund in a north-eastern part of Slovenia, which covers several municipalities, 28 per cent of Roma who made an application for non-profit housing were granted an apartment, as opposed to 13 per cent of non-Roma applicants<sup>119</sup>. A more detailed data on the housing situation of Roma who live outside of Roma settlements is not available, and it is therefore safe to assume that policy measures are directed primarily at those who live in settlements.

#### 4.1.2. Asylum seekers

In September 2004 a new Asylum Seekers' Centre was opened in Ljubljana with a capacity to host up to 400 asylum seekers. The new building, co-funded by PHARE programme (31.6%), replaced the old one, where conditions were inadequate (no separate section for unaccompanied minors and families, small rooms with common toilets and bathrooms, no playground or green areas for outdoor activities, no possibility for preparing meals, etc.). Whereas the old Asylum Seekers' Centre was located in the city and a source of conflict due to overcrowding and intolerant attitudes of the majority population, the new Centre raises the issue of segregation, since it is located on the outskirts of the city, far from public transport and services.

#### 4.1.3. Refugees

Refugees with temporary asylum status, i.e. mostly refugees from Bosnia and Herzegovina, were granted the right to apply for permanent residence in 2002 according to the Act Amending the Temporary Asylum Act<sup>120</sup>. Many of them have been living in accommodation centres<sup>121</sup> ever since they migrated to Slovenia, and the Act limited stay in these centres to maximum of 18 months after the Act entered into force. In May 2004, however, 415 of them were still based in seven accommodation centres<sup>122</sup>, although the Government discontinued financing and refugees were expected to participate financially in rents from SIT 9,000 or 14,000 (approximately €38 to €60) in total per month. Should refugees seek private accommodation, they are entitled to financial assistance of about SIT 20,000 per person (approximately €85) for rent until the end of 2004. It was estimated by the Migrations Directorate that about half of them will leave these centres by June. The other half of them were identified as vulnerable (elderly, disabled persons, single mothers, unaccompanied minors) and as such, they are entitled to special care which would be provided by the Office.

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<sup>118</sup> Council of Europe, Office of the Commissioner for Human Rights (2003), *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Slovenia 11 – 14 May 2003*, p.6, available at: [http://www.coe.int/T/E/Commissioner\\_H.R/Communication\\_Unit/CommDH\(2003\)11\\_E.doc](http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/CommDH(2003)11_E.doc)

<sup>119</sup> Information provided by Javni medobčinski stanovanjski sklad Maribor upon request.

<sup>120</sup> Slovenia / SOP: 2002-01-3241, (26.07.2002)

<sup>121</sup> Quality of housing in accommodation centres in general was poor and they were often isolated, situated on town outskirts, which aggravated the segregation and ghettoization of the refugees.

<sup>122</sup> <http://www.mnz.si/si/13345.php>, (10.10.2004)

#### 4.1.4. The Erased

The issue of the erased is presented more fully in the following chapter. Put shortly, ‘the erased’ is a popular name for a group of over 18,000 persons, whose data were erased from the register of permanent residents in 1992 without a required administrative procedure. As a result, they have lost their permanent residence permits and associated rights and benefits (pensions, apartments, access to health care and other social rights).

In a research report on this issue, it was indicated that some of the deprived human rights relate to housing<sup>123</sup>:

- Denial of the right to buy an issued apartment
- Violation of the right to choose the place of residence (people were forced to obtain a permanent residence address in a foreign country)
- Erased people could not buy or sell property, amongst other things
- Other forms of discrimination, such as loss of employment and social benefits, further aggravated their housing vulnerability

#### 4.1.5. Shanty towns

Shanty towns developed in some areas of larger Slovenian towns as a consequence of concentration of migrants in some areas and as a side effect of a widely spread, yet only loosely regulated self-help housing construction. This sort of illegal building is connected almost exclusively with immigrants. In Ljubljana there are two such settlements, populated primarily by immigrants from former Yugoslavia and/or Roma. Although some measures were adopted which enabled legalisation of illegal building under certain conditions, these settlements still exhibit a poorer quality of living and lack some of the basic infrastructure (e.g. sewerage, public transport, street lights).

### 4.2. Handling of cases of discrimination in housing

Housing falls into jurisdiction of the Ministry for the Environment and Spatial Planning and Energy and its Inspectorate for the Environment and Spatial Planning, but competencies of housing inspectors are very restricted. Their mandate is to monitor the condition of multi-user dwelling houses and to ensure their normal use and to provide conditions for effective management of these dwellings, and unfortunately does not include combating discrimination. A specialised body which would deal with discrimination in housing does not exist. If a person believes he or she is being discriminated against, he or she can file a charge with the competent court, or if state bodies, local community bodies or public deputies are involved, with the Human Rights Ombudsman.

With the new Act Implementing the Principle of Equal Treatment, individuals will be able to turn to the Advocate of the Principle of Equality, once this body is established.

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<sup>123</sup> Zorn, J. (2003) “The Politics of Exclusion during the Formation of the Slovenian State”, in: Dedić, J., Jalušič, V., Zorn, J. *The Erased: Organized Innocence and the Politics of Exclusion*, Ljubljana: Peace Institute, pp. 147-148

### 4.3. Initiatives against racism in housing

Two under-age girls, by origin from Ecuador, were apprehended in spring 2004 in Italy close to the border with Slovenia because they were without valid documents. They came to Italy with a tourist visa to visit their mother, who was residing in Italy legally and had a work permit. They were detained by the Italian Police for one day, and then extradited to Slovenian authorities who put the girls into a Centre for aliens despite their age. They were kept there for more than two months in unsuitable conditions. In the meantime, an activist of an Italian network Sportelli de gli invisibili found out about their case and got in touch with the girls' mother. With the help of a lawyer they initiated proceedings to get the girls released and reunited with their family. A group of activists from both Slovenia and Italy met the girls at the Centre, and expressed support and offered help and comfort. The activists tried to draw public attention to the case by circulating a protest letter, by communicating directly with the Centre's management, etc. to expose the inhumane treatment and to express disagreement with a system of locking up minors or others, humiliating them and depriving them of basic human rights.

The girls were released more than two months after their apprehension. The initiative of activist groups is commendable and was included as an initiative in this chapter on housing, because by exposing the case of two girls, it managed to draw public's attention to the housing (and overall) situation of people who are most disadvantaged on the doorsteps of "Fortress Europe", guarded by inhumane bureaucratic procedures<sup>124</sup>.

The second example of an initiative against discrimination in housing concerns a case of an erased person, who had been living in Slovenia for more than two decades, but due to erasure lost his permanent residence and consequentially his job and social rights. He was living in a workers' hostel, but because of his unenviable position, he was unable to pay rent and had thus been threatened with eviction. The threat became accentuated with privatisation of the workers' hostel and the planned renovation into private rental apartments. Just before the eviction, the erased person was handed a written order from the local District Court halting the eviction. Regardless of this the owner of the building with a help from a private security company evicted his apartment, while he was absent. He was suddenly made homeless and had to seek a place to stay in a homeless shelter.

A group of activists visited the place (events took place in July 2004), removed the new lock installed by the owner and re-housed the erased person. They notified the Police and the mayor of their action, but the Police came to inspect only after they received a complaint from the owner. The Police was informed of the situation and reminded that they did not respond to complaints about an illegal eviction. A criminalist then assured the activists and the erased person that if another attempt at illegal eviction is made, the Police will respond.

The self-organized initiative of these activists reveals a malfunctioning mechanism of power and authority that should be protecting the weakest. Although the erased person was subsequently (legally) evicted, the case managed to expose the multiple dimensions of social exclusion, also in the field of housing<sup>125</sup>.

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<sup>124</sup> Information on this case taken from the website of the activist group Dost' je!, <http://www.dostje.org>, (01.10.2004)

<sup>125</sup> Information on this case taken from the website of the activist group Dost' je!, <http://www.dostje.org>, (01.10.2004)

## 5. Racist violence and crimes

It needs to be pointed out that specific records on racist violence and crimes are not kept. Crimes are recorded by the Police only according to articles of the Penal Code, of which article 300 prohibits incitement to ethnic, racial or religious hate, discord or intolerance. In 2003, two suspicions of criminal offence according to article 300 were handled by the Police<sup>126</sup>, of which one was rejected as unfounded, and the other was a case of verbal assault in a business meeting, where one person insulted the other with allegations about her ethnic affiliation. Upon investigation, the case was handed over to a court and is now awaiting proceedings. In 2004, one criminal offence was reported and handed over to a competent court.

### 5.1. Racist incidents

In July 2004, an incident occurred during a music festival, when a musician from Jamaica was shot by a Slovenian citizen with an air pistol with plastic globules, while screaming “White Power!” at her. The musician had to be taken to a hospital because of shooting wounds. Police apprehended the perpetrator, confiscated his weapon and detained him. He was later released and penal proceedings were initiated against him on the basis of article 133 (minor bodily harm) of the Penal Code<sup>127</sup>. Since the proceedings have not been closed yet, it is too early to establish if a suggestion, made by the European Commission against Racism and Intolerance in its Second Report on Slovenia<sup>128</sup>, to take racist motivation into account as an aggravating circumstance, has been acknowledged.

During an unresolved conflict between non-Roma and Roma in Dolenjska regarding environmental pollution, spreading of Roma settlements and disorderly conduct, all of which non-Roma population thought was contributing to the devaluation of their property, they demanded financial compensation and dispensation of payment for the use of building plots. After a lack of reaction from competent authorities, they organised a protest which was also attended by members of the Roma community, because they felt offended by allegations of theft. A fight erupted between non-Roma and Roma and the Police had to separate the two groups. Later the same day, Roma set up road barricades made of scrap material. Police initiated proceedings against both Roma and non-Roma for minor bodily harm and causing obstacles and disobeying a police officer<sup>129</sup>.

Another conflict involving allegations of theft and camping on private property led to a group of twenty-five non-Roma visiting a Roma settlement, with a demand that Roma leave in fifteen minutes. In a charged atmosphere, a car was attacked and overturned and shooting occurred and hurt a non-Roma, who was taken to a hospital because of shooting wounds. The perpetrator was arrested two days later and taken into custody and charged with a criminal offence of causing general danger<sup>130</sup>.

According to the Police, urgent problems between Roma and non-Roma are present in several other municipalities, especially in Dolenjska region. In 2004, local communities have on several occasions demanded from state bodies to ensure safety of persons and property, because they feel threatened by Roma. In response to these demands, the Police have stepped up their policing duties, especially in traffic regulation and public order. For this purpose and based on an internal act, additional Police staff

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<sup>126</sup> Policija (2004), *Poročilo o delu policije za leto 2003*, p. 18

<sup>127</sup> Slovenia / SOP: 2004-01-4208, (27.08.2004)

<sup>128</sup> ECRI (2003), *Second Report on Slovenia*, p. 8.

<sup>129</sup> Information submitted by General Police Directorate upon request. The incident occurred in February 2004.

<sup>130</sup> Information submitted by General Police Directorate upon request. The incident occurred in May 2004.

was introduced in multi-ethnic environments<sup>131</sup>. These incidents show that in some places relationships between the majority and Roma community are quite tense and reflect a host of unsolved issues and intolerant attitudes.

## 5.2. The Erased

The issue of the so-called erased persons is without doubt one of the more pressing examples of discrimination, and therefore we felt it important to include an overview of the issue. In 1992, 18,305 residents of Slovenia were erased from the Population Register and have consequently lost their permanent residence permits and associated rights and benefits (pensions, apartments, access to health care and other social rights). There were over 28,000 residents of Slovenia, registered as citizens of one of the other former republics of the SFR of Yugoslavia, who choose not to apply for Slovenian citizenship or their application was rejected. Of these, around 10,000 left Slovenia and reported their departure, but the remaining 18,305 were erased from the registry of permanent residents of Slovenia without a required administrative procedure. In addition to a deprivation of essential human rights, some were deported by the authorities on the ground of illegal stay. After years of intolerant attitudes by politicians and the general public, and legal struggles, in an April 2003 the Constitutional Court ruled<sup>132</sup> that the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, adopted in 1999 and amended in 2001<sup>133</sup>, was not in accordance with the Constitution, because it does not recognise permanent residence to citizens of other successor states of the former SFRY and because it does not regulate the acquisition of permanent residence permit to citizens of other successor states of the former SFRY who were issued a pronouncement of the measure of the forcible return of a foreigner from the State. The Court ordered the legislator to amend this discordance within 6 months, and ordered the Ministry of the Interior to issue supplementary provisions.

The Ministry of the Interior then submitted a so-called “technical act”<sup>134</sup> to allow for issuing of supplementary notifications of permanent residence. Although the act was adopted in Parliament, it was never implemented, because in April 2004 in a referendum vote, 94,68 per cent of the votes were against the implementation of this act. Even before, in December 2003, the Constitutional Court yet again intervened with a resolution<sup>135</sup> that prompted the Ministry to start issuing notifications based on the original Constitutional Court’s decision of April 2003, meaning that the results of the referendum were irrelevant. In May 2004, two more initiatives for a referendum were submitted to oppose a so-called systemic act on the erased, both of which were rejected in the parliament supported by the legislative-legal service of the parliament that the purpose of both initiatives is obviously to delay, and that they abuse the institute of referendum. The decision of the parliament was later reaffirmed by the Constitutional Court after the Court had to deal with both initiators' complaints regarding the parliament's decision. In August 2004, opposition parties in parliament then submitted another draft of an act to complete the Constitution with criteria, which would define cases when retroactive regulation of foreigner status is possible.

The issue of the erased is still a long way from being resolved in its entirety. Even though the Ministry of the Interior made a commitment to complete the process of issuing written orders of permanent residence to the erased individuals, fundamental issues remain unanswered. For one, burden of proof of actual residency is placed on the erased individuals, although the initial mistake, ruled illegal by the Constitutional Court, was made by the state administration. Second, the issue of restitution of damages

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<sup>131</sup> Information submitted by General Police Directorate upon request.

<sup>132</sup> Slovenia / US / U-I-246/02-28, (03.04.2003)

<sup>133</sup> Slovenia / SOP: 1999-01-2913, (30.07.1999) and / SOP: 2001-01-3471, (03.08.2001).

<sup>134</sup> Zakon o izvršitvi 8. točke odločbe Ustavnega sodišča Republike Slovenije št. U-I-246/02-28, Official Gazette of the Republic of Slovenia no.38/2004; the law was not implemented, therefore it does not have a legal number.

<sup>135</sup> Slovenia / US / U-II-3/03-15, (22.12.2003)

remains unclear, though one can assume that in such a heated political atmosphere, the erased are unlikely to win a restitution of lost rights and damages done as a consequence of the erasure.

The issue of the erased was noted and the handling of the matter by the authorities criticised in several reports of international bodies<sup>136</sup> and the Human Rights Ombudsman issued a special report, summarizing the issue of the erased of all previous yearly reports<sup>137</sup>.

### 5.3. Mosque in Ljubljana

A sizeable Muslim community in Ljubljana<sup>138</sup> has been applying for a place to build a mosque since 1969, and until today this project has not come to a successful conclusion. As a result, Muslim worshippers have to meet in apartments, garages and other private premises. After years of irresolute handling of this issue by city officials, the current mayor of Ljubljana had taken the decision to allow the construction of the Mosque, a decision supported by the Government, but the decision was met with opposition. Local politicians and city officials reinforced intolerant attitudes of the public<sup>139</sup>, and the antagonism against the exercise of Muslim community's freedom of worship resulted in a collection of signatures with the intention of pursuing a local referendum in Ljubljana on this issue. As part of this campaign, a website was launched with the title "A big Muslim centre with a mosque in Ljubljana? No, thanks!"

Almost 12,000 signatures were collected and this was sufficient to initiate proceedings to for a local referendum. The mayor decided to withhold the announcement of a decision for a call for a referendum and suggested to the City Council to reconsider the issue. The Council withheld taking a decision until arbitration from the Constitutional Court was known. The Court declined to arbitrate on the issue of constitutionality of the call, because it was not competent to decide on this. City councillors then voted in favour and the call for referendum was announced. The mayor and the Muslim community then both filed requests with the Constitutional Court to decide on the constitutionality of the contents of the proposed referendum. The Court decided that a "referendum decision on spatial regulation criteria, with the purpose of preventing a construction of a mosque, would not mean only a decision on the placement of an object into space, but a decision on whether members of Muslim community can express their religious beliefs or not. A call for such a referendum interferes with the Freedom of Conscience"<sup>140</sup>.

The issue of the mosque in Ljubljana has raised many concerns, especially about intolerance and prejudice against Muslims, both in electronic and printed media (polls, readers' letters, online discussion forums, etc.). Additionally, a symbol of a traffic sign with a crossed out mosque was used as part of a recent political campaign of one candidate. In his program, the candidate pointed out that "Slovenians have a right, according to international conventions on rights of nations, to define ways of living for all other members of minorities, especially to adherents of a Muslim way of life so that no architectural violence of religious buildings over the dominant architecture, that is characteristic for

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<sup>136</sup> See: ECRI (2003), *Second Report on Slovenia*; Council of Europe, Office of the Commissioner for Human Rights (2003), *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Slovenia 11 – 14 May 2003*, Bureau of Democracy, Human Rights, and Labor (2004), *Slovenia – Country Reports on Human Rights Practices 2003*

<sup>137</sup> <http://www.varuh-rs.si/slike/datoteke/att/pp-izbrisani-junij2004.vsebina.pdf>, (20.09.2004)

<sup>138</sup> 13,268 persons or almost 5 per cent of the total population of Ljubljana, according to Černič Mali, B. et al. (2003), *Large Housing Estates in Slovenia: Overview of developments and problems in Ljubljana and Koper*, (RESTATE report, 2g), Utrecht: Faculty of Geosciences, Utrecht University, p. 33, available at: <http://www.restate.geog.uu.nl/results/finald4/finald4slovenia.pdf>, (23.06.2004)

<sup>139</sup> Documented and analysed in Dragoš, S (2004) Islamofobija na Slovenskem, in: *Poročilo skupine za spremljanje nestrpnosti*, No. 3, pp. 10-27, and Dragoš, S (2003) Islam in suicidalno podalpsko pleme, in: *Poročilo skupine za spremljanje nestrpnosti*, No. 2, pp. 34-53

<sup>140</sup> Slovenia / U-I-111/04 (08.07.2004)

Slovenian country, occurs. Slovenia as a small country has a right to protect itself appropriately from elements of violence exhibited by Muslim religion across the world”<sup>141</sup>.

Human Rights Ombudsman intervened with statements on the issue of islamophobia and the mosque several times, stating that “if you consider that along almost 3,000 catholic churches approximately 60,000 Muslims do not have one single mosque, it does not require special statistical knowledge to establish that Muslims are being discriminated against”<sup>142</sup>.

#### 5.4. Initiatives against racist violence and crimes

Amnesty International of Slovenia organised two different workshops on racism for children in 2004. The first workshop, “Racial and ethnic discrimination” information was provided about legal protection of human rights, cases of violation, differences between direct and indirect discrimination were explained, etc. Goals of the workshop included awareness-raising on the topic of racist and ethnic discrimination and empowering children to look for alternative solutions in combating discrimination. The principal pedagogical method used was role playing - children engaged in different roles from a certain fiction story and were encouraged to conclude the story themselves in a best possible way, possibly by overcoming discrimination. The second workshop, “Racism in school”, tried to stir interest among children about human rights, racism and to promote responsibility, solidarity and equity. Through brainstorming, children were encouraged to present their views on racism, which were later discussed. As with the previous workshop, it utilizes role playing to promote anti-racist solutions to common situations.

In May, two non-governmental organizations, Humanitas Association and Slovenian Philanthropy, opened a “House of worlds”, an intercultural house conceived as a space for interaction of different cultures, for presenting cultural diversity and for promoting tolerance.

In summer, an international project “With sport towards tolerance” took place in Maribor, Slovenia, organised with the help of the European community’s youth programme. Forty-two participants from six European countries participated in six different workshops intended to raise awareness about the inequality of opportunities, the role of sport in overcoming intolerance, understanding of concepts of discrimination, racism and xenophobia, and linkage between sports and promotion of tolerance.

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<sup>141</sup> [http://www.volitve.si/kandidati/sls/e3\\_o4.php?action=results&poll\\_ident=7](http://www.volitve.si/kandidati/sls/e3_o4.php?action=results&poll_ident=7), (10.10.2004)

<sup>142</sup> [http://www.varuh-rs.si/cgi/teksti-slo.cgi/Show?\\_id=izjavadzamija](http://www.varuh-rs.si/cgi/teksti-slo.cgi/Show?_id=izjavadzamija), (29.09.2004)

## 6. Annex

Table 1: Population by ethnic affiliation, 1991 - 2002 censuses

	1991		2002	
	<i>total</i>	<i>share</i> %	<i>total</i>	<i>share</i> %
<b>TOTAL</b>	<b>1913355</b>	<b>100</b>	<b>1964036</b>	<b>100</b>
<b>Declared</b>	<b>1845022</b>	<b>96.43</b>	<b>1766982</b>	<b>89.97</b>
Slovenes	1689657	88.31	1631363	83.06
Italians	2959	0.15	2258	0.11
Hungarians	8000	0.42	6243	0.32
Roma	2259	0.12	3246	0.17
Albanians	3534	0.18	6186	0.31
Austrians	126	0.01	181	0.01
Bulgarians	168	0.01	138	0.01
Bosniacs	...	...	21542	1.10
Czechs	315	0.02	273	0.01
Montenegrins	4339	0.23	2667	0.14
Greeks	21	0.00	54	0.00
Croats	52876	2.76	35642	1.81
Jews	37	0.00	28	0.00
Macedonians	4371	0.23	3972	0.20
Muslims	26577	1.39	10467	0.53
Germans	298	0.02	499	0.03
Poles	196	0.01	140	0.01
Romanians	115	0.01	122	0.01
Russians	167	0.01	451	0.02
Rusinians	57	0.00	40	0.00
Slovaks	139	0.01	216	0.01
Serbs	47401	2.48	38964	1.98
Turks	142	0.01	259	0.01
Ukrainians	210	0.01	470	0.02
Vlachs	37	0.00	13	0.00
Other	1021	0.05	1548	0.08
<b>Undeclared</b>	<b>25978</b>	<b>1.36</b>	<b>22141</b>	<b>1.13</b>
Declared as Yugoslavs	12075	0.63	527	0.03
Declared as Bosnians	...	...	8062	0.41
Regionally declared	5187	0.27	1467	0.07
Others	8716	0.46	12085	0.62
<b>Did not want to reply</b>	...	...	48588	2.47
<b>Unknown</b>	<b>42355</b>	<b>2.21</b>	<b>126325</b>	<b>6.43</b>

Source: Statistical Office of the Republic of Slovenia (2003), *Statistični letopis 2003*

Table 2: Population by religion, 1991 and 2002 censuses

Religion	Total		Proportions (%)	
	1991	2002	1991	2002
<b>TOTAL</b>	<b>1913355</b>	<b>1964036</b>	<b>100</b>	<b>100</b>
Catholic	1369873	1135626	71.6	57.8
Evangelical	14101	14736	0.7	0.8
Other Protestant	1890	1399	0.1	0.1
Orthodox	46320	45908	2.4	2.3
Other Christian	2410	1877	0.1	0.1
Islam	29361	47488	1.5	2.4
Jewish	199	99	0.0	0.0
Oriental	478	1026	0.0	0.1
Other religion	269	558	0.0	0.0
Agnostic	...	271	...	0.0
Believer but belongs to no religion	3929	68714	0.2	3.5
Unbeliever, atheist	84656	199264	4.4	10.1
Did not want to reply	81302	307973	4.2	15.7
Unknown	278567	139097	14.6	7.1

Source: Statistical Office of the Republic of Slovenia (2003), *Statistični letopis 2003*

Table 3: Labour force, Slovenia, June 2004

	Number	Indices		
		VI 04/ V 04	VI 04/ VI03	
<b>Labour force</b>	<b>Total</b>	872,852	100.0	99.8
	Men	476,502	100.0	100.0
	Women	396,350	100.0	99.5
<b>Persons in paid employment</b>	<b>Total</b>	704,800	100.3	100.5
	Men	378,062	100.4	100.5
	Women	326,738	100.2	100.4
<b>Self-employed persons</b>	<b>Total</b>	78,896	100.0	99.8
	Men	56,981	100.0	100.7
	Women	21,915	99.9	97.6
<b>Registered unemployed persons</b>	<b>Total</b>	89,156	97.4	94.5
	Men	41,459	96.6	94.4
	Women	47,697	98.2	94.5
<b>Registered unemployment rate (%)</b>	<b>Total</b>	10.2		
	Men	8.7		
	Women	12.0		

Source: Statistical Office of the Republic of Slovenia (2004), *Rapid Reports: Labour Market*, no. 297

Table 4: Foreigners registered at Employment Service of Slovenia by Citizenship, 31 August 2004

	August
<b>Old EU Member states</b>	<b>18</b>
Sweden	1
<b>New EU member states</b>	<b>20</b>
Czech Republic	4
Hungary	7
Poland	5
Slovakia	4
<b>Countries of former Yugoslavia</b>	<b>1521</b>
Bosnia and Herzegovina	945
Croatia	232
Serbia and Montenegro	278
Macedonia	66
<b>Other Countries</b>	<b>79</b>
<b>Without Citizenship</b>	<b>15</b>

Source: Employment Service of Slovenia, 2004

Table 5: Employment and inclusion of foreigners in public works schemes with assistance of Employment Service of Slovenia, 2003-2004

<b>Number of persons employed or included in public works in 2003 and 2004</b>			
		<b>2003</b>	<b>2004</b>
All employments	Employment with assistance of ESS	39852	27887
	Public works	3326	3156
Old EU member states	Employment with assistance of ESS	2	1
	Public works		
New EU member states	Employment with assistance of ESS	4	1
	Public works	1	
Countries of former Yugoslavia	Employment with assistance of ESS	524	442
	Public works	7	14
Bosnia and Herzegovina	Employment with assistance of ESS	361	294
	Public works	5	12
Croatia	Employment with assistance of ESS	96	79
	Public works	2	1
Serbia and Montenegro	Employment with assistance of ESS	53	53
	Public works		1
Macedonia	Employment with assistance of ESS	14	16
	Public works		
<b>Other Countries</b>	Employment with assistance of ESS	23	27
	Public works		

Source: Employment Service of Slovenia, 2004

Table 6: Persons with refugee status in Slovenia on 31 August 2004 by citizenship and sex

Country	Geneva Convention			Asylum on Humanitarian Grounds			Total		
	M	F	T	M	F	T	M	F	T
Bosnia and Herzegovina	2	3	5	1	6	7	3	9	12
Ethiopia				1	0	1	1	0	1
Georgia	3	1	4				3	1	4
Cameroon				1	0	1	1	0	1
Iraq	1	2	3	2	0	2	3	2	5
Iran	7	2	9				7	2	9
Macedonia				1	2	3	1	2	3
Nigeria				1	0	1	1	0	1
Russia	2	2	4	1	0	1	3	2	5
Sierra Leone				9	0	9	9	0	9
Somalia	1	0	1				1	0	1
Sudan				1	0	1	1	0	1
Zaire/Congo	1	0	1				1	0	1
Serbia and Montenegro	6	3	9	19	16	35	25	19	44
<b>Total</b>	<b>23</b>	<b>13</b>	<b>36</b>	<b>37</b>	<b>24</b>	<b>61</b>	<b>60</b>	<b>37</b>	<b>97</b>

Source: Migrations Directorate, Ministry of the Interior

Table 7: Asylum applications in Slovenia 1998-2004

Year	Number of app.	Concluded proceedings	Status granted	Rejected app.	Proceedings halted	Discarded	Safe third Country
1998	337	82	1	27	13	41	/
1999	744	441	0	87	237	117	/
2000	9244	969	11	46	831	0	81
2001	1511*	10042	25	97	9911	9	0
2002	640	739	3	105	619	12	0
2003	1066	1166	37	123	964	17	25
2004*	757	796	33	217	527	7	12

\* Until 31 August 2004

Source: Migrations Directorate, Ministry of the Interior

# Update of the Report

October – December 2004

## Data and information sources

For this update to the report we again used varied methods of data collection. Some data was acquired through our established system of media monitoring and monitoring of the legislative and executive procedures. We also approached all relevant government bodies for newly available information, but perhaps unsurprisingly, there was little new information that was not already included in the National Annual Report 2004. Information was also submitted by development agencies and non-governmental organisations, especially in connection with the EQUAL initiative and its support for development partnerships. Of the twenty-six projects, approved for the funding, the three that are directly relevant to the European Monitoring Centre on Racism and Xenophobia are presented in this report.

Our experience with data collection in general was fairly positive, with the exception of the Office for Nationalities, which provided us with a truncated, censored version of their recent report on the situation of Roma in Slovenia without an explanation, and even that only after we called upon the Commissioner for Access to Public Information because the Office ignored our request. Fortunately, we managed to acquire this report through other sources and present it briefly in the section on housing.

A special note needs to be added regarding the recent national elections in Slovenia, which rearranged the political spectrum. In October, the elections brought to the surface an opposition party, the Slovenian Democratic Party, which formed a coalition with three other parties, namely the New Slovenia – Christian People's Party, the Slovenian People's Party and the Democratic Party of pensioners of Slovenia. This coalition formed a government which was elected in December and has thus merely begun its work. Activists of some non-governmental organisations and other public figures, including the Human Rights Ombudsman, have expressed concern regarding particular ministers in the new government and members of the National Assembly in relation to their intolerant views. Since none of these views were expressed during the short time of their new positions, at least not in relation to the issues of racism and xenophobia, we have decided not to include this information in the present report. This does not mean, however, that we are not closely monitoring the situation, especially in the light of the dubious position of the new government regarding some of the issues we report on in this and previous reports.

## 1. Employment

In our review of statistical data related to discrimination we have found no substantial difference in comparison to the National Annual Report 2004. No update can be reported regarding violations of the Article 206 of the Penal Code which prohibits violation of the principle of equal opportunities in employment.

We can, however, report on a court case at the Labour and Social Court in Maribor, concluded in 2004, regarding an alleged violation of the prohibition of discrimination as stipulated by the *Employment Relationships Act*.<sup>143</sup> A male person filed two suits in August and September 2003, asserting that in the course of the application process for a position at a secondary school in Maribor, he was discriminated against on ethnic grounds. The suits were amalgamated in one case and the proceedings took place before the Labour and Social Court in Maribor in 2004. The Court ruled in October 2004 that the complaints are to be rejected as unsubstantiated. The complainant found the Court's ruling unsatisfactory and lodged an appeal against the ruling. The case was handed over to the Higher Labour and Social Court in Ljubljana, but has not yet been ruled upon<sup>144</sup>.

### The situation of Roma in the labour market

A conference on the situation of Roma in the labour market was held in Črenšovci (in Prekmurje, a region with a sizeable Roma population) in October 2004. The conference was organised by the Development Centre from Lendava and attended by representatives of the local municipality, representatives of Roma communities from Slovenia and Hungary, representatives of employment and development agencies from the Prekmurje region, and the ambassador of the European Union in Slovenia.

The conference highlighted the poor situation of Roma in the labour market, which further worsened during the transition periods in both countries. Participants of the conference agreed that the employment prospects of Roma are threatened by their generally low level of education and their worse than average health situation, and by hidden discrimination in the labour market. Programmes of social inclusion, therefore, need to be complex and take into consideration the interlocking influence of all factors, and need to address the issues of cooperation and (in)tolerance. The conference also pointed out some good practice examples such as the Roma museum project in the Prekmurje region, the first of its kind.

### Roma Employment Centre

This is the title of a project that was awarded funds through the EQUAL initiative recently and its purpose is to develop new strategy proposals for the employment of Roma, and to establish a public institution, an umbrella body to be used by employers in search of Roma workforce, and by Roma as an information, training/qualification and motivation resource centre. The overall objectives of the Roma employment centre are to enable the integration of Roma into the employment and social environment, to improve their employment prospects, and to combat prejudice on the side of the employers and the wider community.

The development partnership of this project includes local communities (eleven municipalities from the Dolenjska region and six from the Prekmurje region), institutions for the education of adults,

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<sup>143</sup> Slovenia / SOP: 2002-01-2006, (15.05.2002)

<sup>144</sup> Information submitted by the President of the Labour and Social Court upon request.

voluntary associations and NGOs, a local office of the Employment Service, and a private company. The Roma are included in the partnership with their associations.

## Support for the integration of asylum seekers

Another project awarded funds through the EQUAL initiative is entitled “Progres” and its primary objective is to provide adequate starting-point conditions for refugees in their process of integration into the Slovenian society by supporting their employment and social inclusion. Asylum seekers are excluded from the labour market during the course of the procedure, which takes eight months on average. They often experience powerlessness and a decline in motivation.

The project is now in its preparatory phase, as are other projects funded through the EQUAL initiative. Once off the ground, it will offer courses of Slovenian language, introductory courses on the system of employment and education, social and health security, and Slovenian culture and way of life, and computer courses to asylum seekers. Other aspects of the project include development of active cooperation with employers, vocational integration, and public awareness campaigns. The development partnership is headed by Foundation GEA 2000 and includes several NGOs, a religious refugee service, a private company, and two faculties.

## 2. Education

In terms of new information regarding racism and discrimination in education, there is little to report. We reported briefly in the NAR 2004 on the adoption of a new strategic document related to the education of Roma, the *Strategy of Education of Roma in the Republic of Slovenia*<sup>145</sup>. The document is presented in detail in the special study on Roma in public education, where we also expressed our concern that despite the multicultural approach of the Strategy, it is dubious whether and when the Strategy will be fully implemented. The next stage after the adoption of the Strategy by the competent authorities should have been its transposition into a national action plan, which was set to be prepared until the end of 2004. Due to the recent national elections and the formation of the new government, this process has been stalled. The approach of the new government towards the strategic document is not known yet, and it is also impossible to predict when the action plan will be prepared and what resources will be dedicated to its implementation.

### Roma Education and Information Centre

This project was also recently awarded funds through the EQUAL initiative, but its origin rests in the project of qualification of Roma assistants in the Prekmurje region, funded by the local Employment Service and in small part also by the PHARE programme, and performed by a partnership of an NGO and a secondary school. Twenty-one young Roma were educated in the use of computers, social work, psychology of teaching, education of children, and Slovenian language for the purpose of assisting members of their own communities in re-integration into the education, and in improving their employment prospects.

As a result of this project, the Roma Education and Information Centre was established in the Prekmurje region and opened in September 2004, the first of its kind in Slovenia. The Centre is meant to provide employment for the Roma who successfully completed the qualification programme and who will then offer assistance to the Roma community in many fields, including psychological counselling, assistance with their education, employment, etc. The Centre is also meant as a resource centre for workshops and seminars for the Roma community.

The objectives of the current phase of the project, assisted by the EQUAL initiative, are to improve the overall situation of Roma (their education, employment and self-image) and, more specifically, to establish a multi-level vocational qualification for Roma mentors and to secure their employment within the Centre. The development partnership of the project includes a regional development agency, an NGO, a local office of the National Education Institute, a local secondary school, two elementary schools, four municipalities from the region and Roma councillors.

The project is included in the Education section of the Rapid Response report because of its ambition to establish national standards for a new vocation, the Roma mentor, and introduce it into the national vocational classification.

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<sup>145</sup> Slovenia, Ministry of Education, Science and Sport (2004), *Strategija vzgoje in izobraževanja Romov v republiki Sloveniji* [PUBSI0225]

### 3. Legislation

#### The Act Implementing the Principle of Equal Treatment

We reported in the National Annual Report on the adoption of the *Act Implementing the Principle of Equal Treatment*<sup>146</sup> in April 2004. The Act transposes the Directive 2000/43/EC. Our report also pointed out the rather unconvincing implementation of the Act - the two bodies for the promotion of equal treatment established by the Act, the Council of the Government for the implementation of the Principle of Equal Treatment and the Advocate of the Principle of Equality, should have been put into practice within three months of the act entering into force, i.e. until the beginning of August 2004, but have not.

Even now, neither of the bodies has been launched. Regarding the Council, the promising news is that all twenty-eight members have been appointed, but the Council still has to hold its first meeting. [The Council is comprised of ten ministers (the minister of labour, family and social affairs acts as chairman) and directors of three government offices, i.e. the Office for Equal Treatment, the Office for Nationalities, and the Office for Religious Communities, four representatives of expert institutions (the Institute of Public Health of the Republic of Slovenia, the Social Protection Institute of the Republic of Slovenia, the Institute for Ethnic Studies, and the Peace Institute), two representatives of the national minorities (Italian and Hungarian), and nine representatives of non-governmental organisations, amongst which a representative of the Roma Union of Slovenia.]

More worrying is that there is no sign of any progress regarding the Advocate, which is the body individuals would turn to in cases of discrimination. In October 2004, general elections were held in Slovenia, which rearranged the political spectrum in the parliament. The resulting delay may then be attributed to the process of formation of the new government, which was elected on December 3. This does not, however, release the previous government of the responsibility for failing to set up the two bodies and the current government for not correcting the situation.

#### Proposed bill on the Roma Community

In December 2004, MPs of the Slovenian National Party brought in a bill on the Roma community in Slovenia. The proposal is based on the stipulation of the Constitution<sup>147</sup> that the status and special rights of the Roma community living in Slovenia shall be regulated by law. Thus far the state provided for the special rights of Roma in nine different sectoral acts and not by an umbrella act, and the proposal of the Slovenian National Party refers to the opinion that such an umbrella act should be adopted to “enable easier integration in all spheres of life” for members of the Roma community<sup>148</sup>.

The proposed bill has only three articles, of which Article 2 is important in that it states that the members of the Roma community living in Slovenia have no special rights and special status and that all are equal before the law. In effect, then, the proposal annuls protection measures already in place or planned for the Roma community, identified as one of the most vulnerable groups by the principal

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<sup>146</sup> Slovenia / SOP: 2004-01-2295, (06.05.2004)

<sup>147</sup> Slovenia / SOP: 1991-01-1409, (23.12.1991)

<sup>148</sup> Predlog zakona o romski skupnosti, in: *Poročevalec*, No. 121, December 14, 2004, p. 4

social inclusion policy documents<sup>149</sup>. The commentary of the proposal also states, contrary to the ruling of the Constitutional Court, that Roma are not autochthonous in Slovenia.

The proposal is identical to the one that was submitted by the Slovenian National Party in 2003. In both cases, the government expressed a negative opinion and considered the bill to be in opposition with the Constitution, and the international conventions and EU Directives. The Office for Nationalities was asked to submit an expert opinion. The proposed bill is now on the agenda of the National Assembly, and opposition MPs (from the Liberal Democracy of Slovenia) have filed a request for a general debate on this proposal.

It is worrying that one of the MPs who brought in this proposal is the vice-chair of the National Assembly. The Human Rights Ombudsman already expressed concerns that the debate may trigger intolerant attitudes and conflicts<sup>150</sup> and labelled the mentioned MP as “intolerant and racist, whose place is not in any government institution, let alone in the position of the vice-chair of the National Assembly”<sup>151</sup>.

## Dissolved Commission for the Protection of Roma Ethnic Community

In the National Annual Report 2004, we presented the Commission for the protection of Roma ethnic community, a working body of the government, composed of representatives of ministries, governmental services and other state bodies, a representative of the Roma Union of Slovenia, and representatives of some municipalities, where autochthonous Roma live.

It needs to be added that with the dissolution of the ‘old’ government, the Commission has also been dissolved and that the new government has not reinstated the Commission. This may signal a warning of caution regarding the new government’s policy towards the Roma community, considering also the *Coalition Agreement on Collaboration in the Government of the Republic of Slovenia*<sup>152</sup> of the four ruling parties. The Agreement namely addresses the issue of the Roma community only in the chapter on internal affairs, in the section on maintaining law and order and ensuring security of people and property. The coalition pledges to “devote special attention to the adequate number of police officers in ethnically mixed areas exposed to security risks (Roma)”<sup>153</sup>. This is the only mention of the Roma community in the Coalition Agreement, and the Roma community is also the only ethnic community referred to in this context.

## Hate speech on the Internet

In December 2004, an investigation on the possible violation of Article 300 of the Penal Code, which prohibits incitement to ethnic, racial or religious hate, discord or intolerance, has been initiated regarding messages posted in June 2004 on forums of two websites, Lendava.net and Lendava.com. The two forums with predominantly local participants from the north-eastern town of Lendava, were titled “Invasion of Roma to Lendava” and “Lendava, a gypsy settlement” and contained amongst other some abusive statements such as “We would need Hitler!! Kill all Roma!!”<sup>154</sup>.

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<sup>149</sup> See e.g. National Action Plan on Social Inclusion (2004-2006), [http://www.gov.si/mddsz/pdf/nap\\_en\\_04\\_06.pdf](http://www.gov.si/mddsz/pdf/nap_en_04_06.pdf), (06.01.2005)

<sup>150</sup> Mlinarič, U. (2004) “Ponovni poskus diskriminacije”, in: *Večer*, 28.12.2004, p. 5

<sup>151</sup> Trampuš, J. (2005) “Sprejeti bi morali evropske standarde”, in: *Mladina*, No. 2, 10.01.2005, pp. 24-26

<sup>152</sup> Slovenska demokratska stranka, Nova Slovenija – krščanska ljudska stranka, Slovenska ljudska stranka, Demokratična stranka upokojenecv Slovenije (2004), *Koalicijska pogodba o sodelovanju v Vladi Republike Slovenije za mandat 2004-2008*

<sup>153</sup> Slovenska demokratska stranka, Nova Slovenija – krščanska ljudska stranka, Slovenska ljudska stranka, Demokratična stranka upokojenecv Slovenije (2004), *Koalicijska pogodba o sodelovanju v Vladi Republike Slovenije za mandat 2004-2008*, p. 67

<sup>154</sup> At least one of the forums has in the meantime been removed (at Lendava.com).

A written denouncement was filed by the office of the mayor of Lendava. The participants of both forums were identified by the IP numbers of their computers, and the on-going police investigation has so far confirmed at least two suspects, against whom proceedings will be undertaken, and two minors. It is expected that denouncements for all founded suspicions will be handed over to the court in January 2005.

Although it is too early to evaluate the significance of this case, it is already clear that this is without doubt a precedent case. Internet forums as public places of discussion are often overflowed with intolerant and abusive comments, but these have so far gone unchallenged.

## Formal recognition of the Bosniac community denied

In our contribution to the EUMC Annual Report 2003, we reported on the application for a formal and legal recognition as a ethnic minority filed by the Bosniac cultural union of Slovenia in October 2003.

In July 2004, the government replied, rejecting the initial reproaches of the Bosniac cultural union that the handling of the situation of different ethnicities in Slovenia is discriminatory and that the state is in violation of Article 27 of the International Covenant on Civil and Political Rights. The government's reply reaffirmed the three different approaches towards minority protection (as collective entities, the autochthonous Italian and Hungarian minority are awarded a high standard of protection, the Roma community to a lesser extent, while members of other ethnicities enjoy rights as individuals).

The issue of minority protection for the ethnicities of the former Yugoslavia will undoubtedly be high on the political agenda as the differentiating system of minority protection is increasingly being put into question, both by the ethnic communities themselves (organised into a union) and by the wider community of human rights activists and researchers.

## 4. Housing

### Public appeal of the Housing Fund

Pursuant to the National Housing Programme (2000)<sup>155</sup>, one of the key documents of the housing policy, the Housing Fund of the Republic of Slovenia, the principal government institution in the area, published a document in October 2004 presenting the Fund's strategy for the years 2005 and 2006. The document, the *Programme of stimulating the assurance of non-profit rental housing in municipalities for 2005*, contains a public invitation to municipalities offering an estimated 20,000,000 Euro for building and renovation of non-profit rental housing. This intervention represents the largest public investment in the housing sector. The document also addresses the housing needs of the Roma population, offering loans under favourable conditions to municipalities with the objective of improving the housing conditions of Roma. According to the document, a contractor has to provide members of the Roma community with a permanent solution to their housing problem and to improve, at the same time, the housing conditions of non-Roma population living in the vicinity of unsettled Roma settlements<sup>156</sup>.

Similar public invitations in the past failed to elicit an appropriate response from municipalities, according to one researcher<sup>157</sup>, due to the limited resources allocated by the Housing Fund. Municipalities were unable to provide sufficient matching and thus these programmes were not implemented fully and with the required resolution. According to more recent information, local Roma communities are better organised in their demands that the local authorities participate in this scheme.<sup>158</sup> Its impact on the improvement of the housing of Roma is to be evaluated in the future, as the call was still pending at the end of 2004.

### Report on the Situation of Roma

In October 2004, the Office for Nationalities presented the *Report on the Situation of Roma in the Republic of Slovenia*<sup>159</sup>. The Report is a comprehensive document of sixty-one pages with two annexes, a tabular overview of co-funding of the Roma ethnic community in the years 2002 to 2005 (seven pages) and an overview of the situation of Roma settlements (fifty-nine pages).

The introduction to the Report presents recent events and incidents, which were reported on in the National Annual Report 2004. The main body of the Report is dedicated to the overview of realisation of the *Programme of Measures for the Assistance to Roma*<sup>160</sup> (1995), the principal government document addressing the problems of (autochthonous) Roma, including their living conditions, education, employment, family care, social care, health care, prevention of crime, cultural development of the Romani community, information provided to Roma and assistance to Roma to organise themselves for inclusion in local self-government.

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<sup>155</sup> *Nacionalni stanovanjski program*, Official Gazette of the Republic of Slovenia 43/2000

<sup>156</sup> Stanovanjski sklad Republike Slovenije (2004), *Program spodbujanja zagotavljanja neprofitnih najemnih stanovanj v občinah za leto 2005*, Official Gazette of the Republic of Slovenia 112/2004

<sup>157</sup> Perić, T. (2001), "Insufficient: Governmental Programmes for Roma in Slovenia. Field Report", in: *Roma Rights*, no. 2,3

<sup>158</sup> Information provided by the Housing Fund of the Republic of Slovenia upon request.

<sup>159</sup> Slovenia, Office for Nationalities (2004) *Poročilo o položaju Romov v Republiki Sloveniji*

<sup>160</sup> Slovenia, Government of the Republic of Slovenia (1995), *Program ukrepov za pomoč Romom v Republiki Sloveniji*

Of particular relevance for this section of the Rapid Response report is the second annex to the Report on the Situation of Roma, which presents information on Roma settlements in twenty-six municipalities, where the so-called autochthonous<sup>161</sup> Roma live. In twenty municipalities, Roma councillors are provided for by the *Local Government Act*<sup>162</sup>, while in the remaining six municipalities, Roma are not directly represented in the local government. The Report states that there are ninety Roma settlements in twenty-five municipalities (one municipality asserted that there are no Roma settlements in their precincts), with an average seventy-one inhabitants per settlement. Previous studies reported 105 settlements and it is therefore easy to identify a decrease in the number of Roma settlements over the years.

Information on the situation of Roma settlements is highly varied – from settlements which are fully legalised and with some infrastructure, to illegal settlements without any infrastructure and also without any available plans from the municipalities.

The Report estimates that a regulation of all issues (of legalisation and infrastructure) in the settlements would require slightly less than seventeen million Euro. It presents, in addition, some proposals for the handling of this issue from other studies and a proposal by the president of the Forum of Roma councillors. The Office for Nationalities also presents its own proposal to utilize fifty-five residence boxes, which were used by the Customs Office on border crossings with Croatia and which were replaced with permanent construction. According to the proposal, the boxes (in poor condition) could be put at disposal to the municipalities with Roma population to solve the most urgent housing problems. A renovation of these boxes would cost less than 16,000 Euro.

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<sup>161</sup> The official policy differentiates between the so-called autochthonous and non-autochthonous Roma. The first are considered to be those Roma whose families have lived in Slovenia for more than a century, while the “non-autochthonous” Roma are understood to be those who arrived in Slovenia from the other Yugoslav republics, mainly for economic reasons, in the 1970s and later. Although the criteria of “autochthonousness” is nowhere legally defined nor can it be derived from the constitutionally guaranteed protection of the Romani community, it is important for Roma as it entails significant legal consequences with respect to the citizenship status and to the eligibility criteria for enjoying certain political, social and economic rights. This distinction leads to arbitrary and discretionary decisions by the authorities on the level of implementation of social inclusion programmes or measures, and also provokes discord within the Roma community due to various levels of access to these provisions.

<sup>162</sup> Slovenia / SOP: 1993-01-2629, (31.12.1993) This provision has by now been put into effect in all but one municipality, and nineteen municipalities now have Roma councillors, elected by the Roma community directly.

## 5. Racist violence and crime

### The Never-ending Story of Intolerance

An “exhibition of acts of hatred directed at various groups of people from independence to the present day” was exhibited at the Slovenian Ethnographic Museum in Ljubljana in December 2004. The exhibition was prepared by an informal group of individuals, but with an express support of the Human Rights Ombudsman, and presented a wide array of press clippings, photographs, official documents and other materials documenting various forms of intolerance, including racism and xenophobia. A documentary film, made especially for this exhibition, included interviews with victims of violence, including an African and a Roma. The authors of the exhibition provided a comprehensive overview of the most pressing issues and tried to draw attention to “an intensification of hatred that did not gain a true momentum until after 2000”<sup>163</sup>.

The exhibition was open less than three weeks and visited by almost one thousand visitors who were able to share their views on the exhibition and the issue of intolerance on special wall posters in the exhibition space. Within the overall framework of the Forms of Intolerance in Slovenia project, of which this exhibition was a part, a round table entitled “Intolerance between the extreme and the normal” was organised, and brought together research experts, university professors and the human rights ombudsman to discuss the extent of the problem and possible strategies of combatting intolerance. Another exhibition, “Kaleidoscope of a movement”, presented activities of progressive social movements against intolerance and exclusion.

These events also marked the tenth anniversary of the human rights ombudsman in Slovenia. On this occasion the Ombudsman’s office published a special issue of their bulletin *Ombudsman: how to protect your rights* both in Slovenian and English, which presents a short overview of the work of the ombudsman and announces a new unit within the office responsible for monitoring all forms of discrimination and intolerance, which is to be set up in the near future.

### Mosque in Ljubljana

We reported in the NAR 2004 about the difficulties the Muslim community is experiencing in Ljubljana in obtaining an adequate space to build a mosque<sup>164</sup>. These are the developments since then: as a consequence of the decision of the Constitutional Court<sup>165</sup>, the Decree Amending and Supplementing the Decree on Spatial Regulation Terms for the area V2 Trnovo - Tržaška cesta, passed by the City Council to allow for the building of a mosque in Ljubljana, entered into force in August 2004. As the owner of the land in question and pursuant to the *Decree on the Acquisition, Disposal and Management of Physical Assets of the State and Communities*<sup>166</sup>, the Municipality of Ljubljana started with the proceedings for sale of the building site. Until the end of 2004, the Municipality did not complete these proceedings and the site was not parcelled out completely. This delay was caused also by some of the owners of the neighbouring sites who withheld their consent on the site

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<sup>163</sup> Leskošek, V. (2004) “The never-ending story of Intolerance”, in: *Ombudsman: how to protect your rights*, No. 4, December 2004, p. 8

<sup>164</sup> See: National Focal Point for Slovenia (2004) *National Annual Report 2004*, p. 40

<sup>165</sup> Slovenia / U-I-111/04 (08.07.2004)

<sup>166</sup> Slovenia / SOP: 2003-01-0498, (03.02.2003)

demarcation plans<sup>167</sup>, allegedly because of their antagonism to the Muslim community's plans of building a religious and cultural centre.

In the meantime, Muslim worshippers gather in smaller private accommodation for the purpose of practicing their religious beliefs. In Ljubljana, many gather in a private house in Grablovičeva Street, which lacks adequate parking space and cars are often parked on the pavement in front of the house, contrary to the traffic rules. On November 9 2004, the Operation and Communications Centre of the Police was notified of a considerable number of vehicles incorrectly parked before the mentioned house. The ensuing police patrol issued ten individuals with a fine for traffic violation.

The day after a representative of the Muslim community tried to plea for his colleagues to be excused from the fine, but received an explanation by the assistant of the Head of the Police station that the Police would reject such an appeal, and that each owner of a vehicle should apply to the Police individually. In the aftermath, five persons did lodge a complaint to the Police and their cases were transferred to the Court for Minor Offences. Records of the five remaining persons will be handed over to the competent tax offices for debt collection<sup>168</sup>.

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<sup>167</sup> Information submitted by the Sector for Land Management of Municipality of Ljubljana (11.01.2004)

<sup>168</sup> Information submitted by the General Police Directorate upon request. (06.01.2005)

## 6. Conclusions

No update.