

DISCRIMINATION ON ethnic AND RELIGIOUS GROUNDS IN SLOVENIA

prof. DR. SILVO DEVETAK (edit.)

ISCOMET - Institute for Ethnic and Regional Studies, Maribor, Slovenia

COMMUNITY ACTION PROGRAMME TO COMBAT DISCRIMINATION
(2001-2006)

CONTENTS

Prof. Dr. Silvo Devetak, director of ISCOMET and coordinator of international project Training and Education for Combating Discrimination in Slovenia By way of INTRODUCTION – IS DISCRIMINATION IN SLOVENIA NOT ONLY a Legal AND moral, BUT ALSO a POLITICAL AND SECURITY PROBLEM?	5
Franc Mlinar, MA, ISCOMET - Institute for Ethnic and Regional Studies, Maribor COMMENTS AND SUGGESTIONS OF MEMBERS OF CONSTITUTIONALLY »UNRECOGNIZED« AND »RECOGNIZED« ETHNIC COMMUNITIES OF SLOVENIA	13
Tomaž Klenovšek, MA, external collaborator of ISCOMET - Institute for Ethnic and Regional Studies, Maribor EXPERIENCE WHICH CONFIRMS THE EXISTENCE OF DISCRIMINATION IN SLOVENIAN SOCIETY	23
Boštjan Vernik, Human Rights Ombudsman Office INSTANCES OF SUSPICION OF RACIAL, ETHNIC, AND RELIGIOUS DISCRIMINATION IN THE WORK OF THE HUMAN RIGHTS OMBUDSMAN	34
Darja Škodnik, officer of Slovenian army and external collaborator of ISCOMET - Institute for Ethnic and Regional Studies, Maribor JUDGEMENTS AND RECOMMENDATIONS OF THE UN HUMAN RIGHTS AND RACIAL DISCRIMINATION COMMITTEES	46
Ferenc Hajós, external collaborator of ISCOMET and member of the Council of Europe's Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities at the Council of Europe THE COUNCIL OF EUROPE'S STAND ON THE IMPLEMENTATION OF THE CONVENTION'S PROVISIONS IN THE REPUBLIC OF SLOVENIA	53
RELEVANT PARTS OF THE FOLLOW-UP REPORT OF THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS ON SLOVENIA (2003–2005)	58
BASIC INFORMATION ON THE INTERNATIONAL PROJECT »TRAINING AND EDUCATION FOR COMBATING DISCRIMINATION IN SLOVENIA« (2005–2006)	70
ABOUT ISCOMET – PROJECT COORDINATOR.....	73
CONSORTIUM AND PROJECT MANAGEMENT.....	75
A SELECTION OF USEFUL INTERNET LINKS.....	75

BY way of INTRODUCTION — IS DISCRIMINATION IN SLOVENIA NOT ONLY a Legal and moral, BUT ALSO a POLITICAL AND security problem?

1. Yes, discrimination on ethnic and religious grounds presents, for Slovenia, as well as other EU countries, not only a legal and moral issue, but also a latent political and security problem. Slovenian society is sitting on »political and social time bombs« which are indirectly or directly related to the problem of discrimination, the most pressing of which are:

- stalling the recovery of rights to »the erased« (more than 18,000 people, citizens of former Yugoslav republics, who were collectively and without notification »erased« from the list of citizens of the new state by an administrative measure of the government, because they had not by then secured, for various reasons, Slovenian citizenship),
- unsettled legal status and consequently human and minority rights of constitutionally unrecognized ethnic communities (members of nations and nationalities of former Yugoslavia and Germans), and the population's negative attitude towards settling the rights of these communities which make up almost 10% of the entire population,
- unsympathetic attitude of part of the population and the largest religious community, the RC Church, towards Islam, evident among other things from decades of obstructing, by using various excuses, the building of a mosque in Ljubljana,
- unsettled status of the Roma, as laid down by the constitution, inconsistent fulfilment of their human and minority rights, and instances of segregation especially in education,
- incomplete fulfilment of the rights of two constitutionally recognized ethnic communities - the Hungarian and Italian minorities (which will become, after the borders between EU states are »abolished«, part of the Hungarian and Italian economic, ethnic and cultural sphere),
- stereotypically negative attitude of the major part of the population to immigrants, particularly those from former Yugoslavia, and xenophobia which prevents unprejudiced acceptance of demographic changes in the racial, ethnic, and religious structure of Slovenia's population and related rights of European citizens (for example, the right to vote and be elected in local authorities), resulting from the free flow of people within the EU,
- agoraphobic attitude (agoraphobia - fear of open spaces) of some population groups to neighbouring nations, fuelled by real or construed

political and other problems, which are straining Slovenia's relationship with neighbouring countries, particularly Croatia.

Intentional or spontaneous sudden straining or politicisation of these problems, in combination with other political or social issues, could, in the right local and international circumstances, easily undermine the stability of Slovenian society, as well as the government's ability to act efficiently in the interest of the population, within and outside Slovenia. From an international perspective such trends can be particularly disturbing in the time of Europe's expansion towards the west Balkan, which is politically, economically and strategically a very important territory for Slovenia. Slovenia's vulnerability, created by these issues, will be even greater in its time of presidency of the EU in the year 2008.

Restoring the rights, taken away from the »erased« by the government with an administrative measure in 1992, would in our opinion, remove the biggest blemish on the democratic image of Slovenia and improve its standing before taking over the presidency of the EU in 2008. The government coalition has announced plans for passing a constitutional act (probably wishing to circumvent the well-known decision of the Constitutional Court of Slovenia of 2003, that the status of all erased persons, taken away by administrative measure in February 1992, be restored). Passing such a law requires a qualified majority of members of parliament, unfeasible for the ruling parties without the cooperation of the opposition. We believe that any bartering for the human rights of so many people, in order to obtain the necessary parliamentary majority is inconsistent with fundamental moral and legal norms governing a democratic European society. Any attempt at reversing the decision of the Constitutional Court of the Republic of Slovenia on this issue would further complicate the problem. Furthermore this would (once again) injure the democratic image of Slovenia and its international repute and undermine its internal stability in times when Slovenia needs it most. Last but not least the prohibition of ethnic and religious discrimination (in this case of members of "other" nations and nationalities of former Yugoslavia) is *ius cogens*, an absolutely binding norm in international law. Any act inconsistent with this norm could be declared, if a suitable domestic or international legal procedure should take place, void »from the start«, namely it could have no legal implications. For all these reasons one would expect parliamentary parties and their leaders to show more statesmanlike wisdom and sense of justice in settling this problem that has now been taxing Slovenia for 14 years.

All warnings and advice of nongovernmental organizations and other entities of civil society have so far had little effect on how the above mentioned problems, related to discrimination, are handled. As elsewhere, the power of decision-making is in the hands of political parties, or individuals and groups acting under their banner. The situation will further complicate if the decision-making elite of Slovenia should continue to show a lack of interest

in seriously considering and handling such a complicated social problem as discrimination, in identifying its social, economic, and other causes, and finally, in initiating a coordinated endeavour for its abolishment in terms of implementing EU directives of the year 2000.

2. The biggest threat to the »rule of law« in a society is the situation where an obvious case of discrimination continues without obstruction or punishment and is accepted by »popular opinion« as »proper«, which in a populist and self-willed way blurs the line between »law« and »lawlessness«, in favour of the latter of course. The distinction between »law« and »lawlessness« is in danger particularly when such tendencies become apparent in politicians' speeches. In most cases these are attempts to obtain power by exploiting and inciting nationalistic or racist feelings towards certain minority communities, groups of people who differentiate from the majority's average or towards neighbouring countries, namely by spreading ungrounded »facts« which aim is only to stimulate the discriminatory treatment of those affected. Although such politicians justify themselves as defending »national interests«, their action, quite to the contrary, acts against the interests of Slovenians and Slovenia.

Experience from history has shown that it takes little effort to spread nationalistic, xenophobic and similar ideas among uneducated and socially threatened or ideologically and politically manipulated people. Problems will start emerging when the right circumstances allow such ideas to escalate until they can no longer be controlled and will carry on their destructive socio-political »mission«. Political parties, especially those having no deep principles of political philosophy will be happy to lend an ear to such »people's will« in order to win the favour of voters. The vicious circle which is typical of nationalism, xenophobia and similar negative social phenomena, is thus complete. Such conditions can be fertile ground for the development of undemocratic, absolutistic forms of government in a society.

The »consolation« we often hear, that other European countries have the same or even worse problems related to discrimination, is largely ill-founded. Considering Slovenia's smallness and political inexperience in this area, as well as its geopolitical position and history, it is much more vulnerable to conflictive situations stemming from discrimination than countries of »mass migration« such as France, the United Kingdom, Germany and others, even though the latter are facing problems of a larger scope and complexity in multiracial and multi-religious relations. However, even these European countries are barely managing to control the tip of the iceberg, while its huge mass underwater keeps growing instead of shrinking. This makes problems related to discrimination one of the fundamental ethical, political, social, and security problems for the EU as a whole and must be handled with the utmost gravity and responsibility in finding long-term solutions.

The issue of discrimination hides many crucial pitfalls which cannot be avoided without being acquainted with their structure and mechanism. They may be subdued (by government suppression) but will break out in certain political and socio-economic circumstances with a vehemence which cannot be contained

by classic means available to the state. Recent events in France have revealed just how destructive the force, dormant in huge social and economic divides which exist in European societies can be when combined with racial, religious, and ethnic differences between them!

Legal provisions can merely mitigate, not eliminate social and economic causes of discrimination which are most often linked to psychological trauma or religious and ethnic prejudice among discriminators and the discriminated alike. In fact they can only be rooted out the social fabric by adequate, well-planned policies in social, cultural, economic and other fields, by suitable public educational programmes, and adequate organization of local self-government, administration and the political system. Planning and actual implementation of such a range of activities is a very responsible and demanding task which must be carried out in numerous fields of social activity, from education to suppression measures - where urgent - of state bodies.

3. International law binds Slovenia, as a member of the EU, to eliminate discrimination. The EU Committee of Ministers adopted, as is well known, in the form of »directives« and on the basis of Article 13 of the Treaty of Amsterdam, legal norms binding on member states concerning the elimination of discrimination in the Community, namely on grounds of gender, racial or ethnic origin, religion and belief, physical and psychical disability, age and sexual orientation. Discrimination on racial and religious grounds is, due to the demographic structure and social divides resulting from these grounds, among the most sensitive areas of human relations in the EU and hence also a top priority political, social and security issue.

The advocates or upholders of the international project Training and Education for Combating Discrimination in Slovenia limited themselves to the ethnic and religious aspects of discrimination. In view of the present circumstances in Slovenia and its neighbourhood as well as the historical tradition still present in our life today, controlling and solving problems related to these discrimination aspects could contribute to the consolidation of Slovenia's »unity in diversity«, in terms of forming a harmonious multicultural society. Neglect of such problems can, on the other hand, as mentioned before, lead to political and socio-economic instability of Slovenia, which would significantly diminish its prospects for a smooth economic and social development, as well as its future standing in the international community.

EU directives have created a broad notion of what discrimination is, since they incriminate »indirect« as well as »direct« discrimination and condemn as acts of discrimination also various forms of »distressing or obstruction« which put a person in an unequal position compared to others. They regulate the widest range of situations in any way related to the problem of discrimination. They apply to »all persons« including legal entities and citizens of non-European countries, therefore protecting from discrimination all people working and living within EU territory (Article 3).

The directives prohibit discrimination in areas important for the equality of people disregarding their racial and ethnic origin or religious belief (such as: employment, self-employment, working conditions, dismissal, wages,

promotion in the workplace, vocational guiding, education at all levels, acquiring work experience, health and social security, entitlement to social benefits, access to goods and services of public nature, housing).

States are obligated to ensure appropriate court and administrative procedures, as well as reconciliation procedures, available to persons who have grounds to believe they are victims of discrimination in any of the above mentioned areas. Moreover it is the duty of states to establish an independent (!) body responsible for: 1) studying discrimination, 2) reporting instances of discrimination, 3) raising public awareness, and 4) helping individuals. Finally the states are obliged to submit reports to the European Commission containing all relevant information regarding the integration of directives in the legal system and all related policies and instruments for the prevention of discrimination of people living and working within a country.

4. The information in this publication is the fruit of activities and deliberation of Slovenian and foreign experts who have been entrusted by the European Commission with implementing the international project Training and Education for Combating Discrimination in Slovenia, and other cooperating experts. The project coordinator is ISCOMET, the Institute for Ethnic and Regional Studies in Maribor. Members of the international project consortium include long-lasting partners of the Institute, eminent experts from the European University Viadrina (Frankfurt/O, Germany) and the universities of Rotterdam (Holland), Salzburg (Austria), Münster (Germany), and Maribor (Slovenia), and the Austrian Human Rights Institute and the European Centre for Ethnic, Regional, and Sociological Studies at the University of Maribor - ECERS.

Seminars and other project activities were joined by many foreign experts on various aspects of discrimination: Peter Andre, MA, coordinator of human rights training for the police and member of the Human Rights Commission at the Austrian Ministry of the Interior, Adebiola Bayer, MA, from the Institute for Public Law at the University of Vienna, Prof. Dr. Jan Berting of the University of Rotterdam, Judith Demeter, president of the Hungarian Equal Treatment Authority, Dr. Lilian Hofmeister, judge at the Austrian Constitutional Court and Vienna Commercial Court, John Horan, barrister at the well-known Cloisters chambers in London, Rita Izsak from the international non-governmental organisation European Roma Rights Centre (ERRC) in Budapest, Mambera Kamberi, assistant to the Minister of Labour of the Republic of Macedonia, Prof. Dr. Wolfram Karl, director of the Austrian Human Rights Institute and head of the Chair of International Law at the Law Faculty at the University of Salzburg, Prof. Gerard C. Rowe of the European University Viadrina, Frankfurt/O in Germany, Dr. Istvan Szikinger, constitutional lawyer from Hungary, and Karin Wladasch, MMA, from the Austrian non-governmental organization ZARA - Zivilcourage und Anti-Rassismus-Arbeit.

Slovenian participants, in addition to ISCOMET's partners, included a number of other experts: Janez Obreza, director of the Slovenian Governmental Office for Nationalities, Majda Potrata, MA, president of the National Assembly Committee

for Petitions, Human Rights and Equal Opportunities, Maria Pozsonec, president of the National Assembly Committee for National Communities, Tanja Salecl, MA, director of the Slovenian Governmental Office for Equal Opportunities, Tatjana Strojjan, advocate of equal opportunities, Ivan Šelih and Boštjan Vernik from the Human Rights Ombudsman Office, Bojan Avbar, regional state prosecutor and councillor from Novo Mesto, Prof. Dr. Zlatko Dežman of the Law Faculty at the University of Maribor and judge at the Regional Court of Maribor, Prof. Branko Novak and Prof. Marija Pavasovič, Police Academy, Igor Stošič of the Ljubljana Police Directorate, Peter Zakrajšek, lieutenant colonel of the Slovenian army, Ferenc Hajós, former Ambassador of Slovenia to Hungary and member of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities at the Council of Europe, Meira Hot from the Law Office Maja Katarina Tratar, Dr. Vera Klopčič, Dr. Vera Kržišnik Bukič and Dr. Mojca Medvešek of the Institute for Ethnic Studies, and Matevž Krivic, MA, former constitutional judge.

5. Implementers of the international project Training and Education for Combating Discrimination in Slovenia shared a singular experience in seminars we prepared for representatives of constitutionally »unrecognized« and »recognized« ethnic minorities in Slovenia, judges, prosecutors and barristers, members of the Slovenian army, police, warders in prisons and customs officers. Minority representatives made some weighty points in speaking about problems they daily meet with in our society (see contributions by Mlinar and Klenovšek). Their opinions and proposals were also supported by the experience of the Human Rights Ombudsman Office (see Vernik) and positions and opinions regarding this issue adopted by the so-called contractual bodies of the UN (UN Human Rights Committee and UN Committee for the Elimination of all forms of Racial Discrimination and the European Council (Advisory Committee supervising the implementation of the Framework Convention on the Rights of National Minorities), presented in this booklet by ISCOMET's independent partners Škodnik and Hajós.

First-rate experts on various discrimination issues from Slovenia and abroad, who spoke at the seminars, made a positive assessment of the contributions of the Slovenian police and army, which presented their projects for combating discrimination in their ranks (the police, prison warders) and their experience from peace missions in multi-ethnic and multi-religious areas in Afghanistan, Lebanon, Macedonia, Kosovo, and Bosnia and Herzegovina (by members of the Slovenian army). Regarding international missions of the Slovenian army it should be noted that the Slovenian public is quite unaware of the significance of the fact that members of the Slovenian army, so small in number, are taking part in international efforts (within the UN, NATO and EU) for preserving international peace and security, which involves Slovenia in the regulation of relationships on a global scale. On this occasion we dealt particularly with the so-called external aspects of discrimination, namely the efforts of both state bodies for the respect of equality or the elimination of discrimination in their operations at home (the police) and abroad (the army), leaving aside

the so-called internal aspects of discrimination, that is, possible instances of discrimination within the same bodies.

6. The chief aims, which the participants of the international project Training and Education for Combating Discrimination in Slovenia wish to achieve with this publication and other activities in the framework of the project, carried out in 2005 and planned for the year 2006 (for project information see end of this publication), are as follows:

Firstly, to encourage constructive action for further handling and solving of problems related to discrimination of the people of Slovenia on ethnic and/or religious grounds. In this way we wish to contribute to the political and social stability of the Republic of Slovenia, which is a *conditio sine qua non* of planning and implementing economic and other reforms and developmental plans, and consolidating Slovenia's honourable and influential position in the international community and notably the EU.

We particularly wish to underline the fact that both experts and minority representatives agreed it was vital for Slovenia to expedite the ratification of Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, which has been in effect since 1 April 2005 (signed by Slovenia 7 March 2001, but still not ratified - see <http://conventions.coe.int>). The protocol would or (we are convinced) will shortly open a new chapter in the fight against discrimination in Slovenia. It lays down binding international norms that states are obliged to meet. Under the Protocol, victims of discrimination, who are denied justice at home, will have recourse to the European Court of Human Rights at Strasbourg.

Secondly, we wish to, in addition to what has already been done by our colleagues from other non-governmental organisations, familiarize the Slovenian (and international) public with problems faced by members of »minority« and »marginal« ethnic and religious groups in the Republic of Slovenia. These mostly originate from discrimination in the workplace, living environment, or concerns their status in society. Perhaps the following account of a participant of the seminar for »constitutionally unrecognized« ethnic groups is the most revealing: »The key problems of my ethnic community are, that we can't preserve our culture, our national identity; we have no extracurricular lessons in Bosnian, no possibility to practice our religion, that is profess our religion in a place of worship, because we have nothing. We have no TV programmes in Bosnian, no basic infrastructure, in short, nothing.«

Thirdly, our efforts will be rewarded if we succeed in raising the awareness of the Slovenian public about what discrimination is, what moral and political values it entails, and what advantages Slovenia can draw from a multicultural society, based on the principle of equality of all people, disregarding ethnic, religious and other differences, in other words, on respect and acceptance of diversity.

And finally, we hope our efforts and work will encourage members of political bodies to join us, together with organisations and institutions of civil society

and with the participation and support of all people of goodwill, in formulating a well-prepared and long-term programme for eliminating discrimination in our society. It is necessary to build a »Slovenian« home which will offer people living in it (both citizens and foreigners) safety and an opportunity to work for a peaceful and prosperous life for themselves and their families! In this respect much could be done by the Churches and religious communities of Slovenia, especially the Roman Catholic Church which, in number and influence in society, by far exceeds any other. An adequate opportunity for the beginning of the realisation of such programme could be the year 2007, which was proclaimed as the year of combating discrimination in the EU.

To deal with and eliminate these problems would remove the blemish still tarnishing the democratic image of Slovenia and contribute to its stability and international renown. Political and social stability is also one of the vital conditions for carrying out the programme of economic and other reforms in Slovenia. For this reason the elimination of discrimination on ethnic and religious (and other) grounds in Slovenia, in terms of implementing the directives of the EU Committee of Ministers of 2000, should be one of the priority tasks of the reform programme, announced by the present government coalition.

COMMENTS AND SUGGESTIONS OF MEMBERS OF CONSTITUTIONALLY »UNRECOGNIZED« AND »RECOGNIZED« ETHNIC COMMUNITIES OF SLOVENIA

The aim of the seminars on the constitutionally “recognised” and “non-recognised” ethnical communities has not been merely to inform the participants about the present legal system’s methods for preventing discrimination, but also to find out what the problems are that the members of these minorities are facing in Slovenia. During discussions between the participants it was seen that the problems are manifold. It was also seen that certain difficulties are common to all ethnic minority communities, while others are specific in only certain ethnic groups having to deal with them. What is to follow is a presentation of the most urgent problems that the participants of both seminars are facing, either personally or as members of a specific ethnic community, or as members of a minority organization in Slovenia.

THE POSITION AND PROBLEMS OF CONSTITUTIONALLY UNRECOGNIZED ETHNIC COMMUNITIES IN SLOVENIA

The group of so-called unrecognized ethnic communities in Slovenia includes citizens of the Republic of Slovenia (RS), whose declared nationality is Albanian, Bosniak, Montenegrin, Croatian, Macedonian, German, Serbian, and other. This population group accounts for slightly less than 10% of the Slovenian population (see table for details).

Members of these minorities do not wish simply to assimilate, but to preserve their identity and fulfil their needs as a nationality in terms of culture, education, and otherwise, and thus contribute to the multiculturalism in Slovenia as well as in Europe. Article 61 (1) of the Constitution of the RS guarantees them individual rights, but they also wish to be enabled to exercise their so-called collective rights. To this and similar aims, societies and associations (2), made up of these members, in 2003 formed the Coordination of Unions and Cultural Societies of Constituent Nations and Nationalities of the Disintegrated SFRY (Socialistic Federative Republic of Yugoslavia) in the Republic of Slovenia (3). In October 2003 the Coordination launched a public initiative for the National Assembly of the RS to initiate and carry out the procedure for changing the Slovenian Constitution, so as to include by name also Albanians, Bosniaks, Croats, Macedonians, and Serbs in the Constitution, and constitutionally

define them as national communities or national minorities of the RS.

This initiative is grounded in many circumstances and reasons, only the most important of which were highlighted. Due to the disintegration of Yugoslavia, the members of these minorities, given no choice, stayed out of their countries of origin. They do not consent to be stripped of their social status attained in Yugoslavia and have fundamental characteristics of national minorities which distinguish them from the majority population, as well as constitute a so-called significant number (4), which is one of the criteria set by the Council of Europe's Framework Convention for the Protection of National Minorities, are by now traditional settlers of Slovenia and wish to preserve their identity and not to assimilate.

Delegates shared the opinion, that the recognition of the mentioned minorities as constitutionally recognized national communities would solve many embarrassments, which are practically impossible to resolve at the moment.

They wish to significantly improve the funding of cultural programmes prepared in the frameworks of individual societies' activities. At the moment, these cultural programmes are partly financed by the Ministry of Culture, however, considering the number and extent of projects entered, the funding allocated to members of other minority ethnic groups, immigrants or members of nationalities of former Yugoslavia, should be appreciably increased or additionally financed. According to the societies' data, the Italian and Hungarian national minorities and Roma ethnic community were allocated 160 million SIT in 2005, whereas only ca. 30 million SIT were set aside for constitutionally unrecognized minorities. This discrepancy appears even greater considering the number of their members.

The societies' representatives require a steady source of funding for the societies and unions, enabling them in the long term, to develop a suitable infrastructure for their activities, particularly in setting up information centres of individual unions.

Through discussion, the participants concluded that legal and judicial channels do not always bring satisfactory results, and therefore propose setting up a new body, which the victims of discrimination could turn to and address petitions to. The Slovenian Governmental Office for Equal Opportunities does not allow much space for manoeuvre since its priority is to abolish gender discrimination. On the other hand, the Governmental Office for Nationalities is intended only for minorities recognized by the Constitution, and the Office is unable to help within its competency. The National Assembly Committees (the Committee for Petitions, Human Rights and Equal Opportunities and the National Assembly Committee for National Communities) have limited powers due to their political make-up. At the moment, the mentioned minorities feel like fish out of water, since whoever they turn to, is merely sympathetic, which can hardly be satisfactory.

An important part of preserving the identities of minority communities is also having extracurricular native tongue and native culture lessons. The RS is expected to do much more in this field than it is now, as only few children are attending these classes. On the basis of international agreements, extracurricular lessons were introduced in Macedonian, Serbian and Croatian languages. The number of students attending was around 100 every year, which is very low considering the total population of newly formed minorities living in Slovenia. The representatives are therefore justified in expecting the RS to take on a more active role in solving the issue. RS should provide the teaching infrastructure and also help finance the classes. Similarly the Bosnian community expressed a need for a new chair of Bosnian studies at the Department of South Slavonic Languages at the Faculty of Arts in Ljubljana and a Bosnian literature section in one of the Ljubljana libraries. The participants all supported the initiative, that the public RTV (Radio Television) should include a newly formed minority programme using minority languages and covering the activities of newly formed minorities in Slovenia.

Apart from the mentioned issues - which newly formed minorities are facing - the representatives drew attention to some other burning issues which apparently have no ready solution.

Certainly one of the most obvious problems is the problem of the so-called erased (residents). After Slovenia became independent, applicants could acquire citizenship of the RS, providing they were registered as permanent residents of Slovenia on the day of the plebiscite (23.12.1990) (5). In the year 1992 all those (more than 18,000 people) who failed to apply for and acquire citizenship before the deadline set (6), were erased by the RS from the register of permanent residents without notification.

The Constitutional Court ruled on the case of the erased many times - in its last decision in 2003 (7) it again ruled that the erasure of 1992 was unconstitutional and the status of the erased must be restored. Although the Constitutional Court's decision is unequivocal, there has been a lack of political will to find an appropriate solution and to restore the dignity of the affected individuals. At any rate the present situation is unconstitutional and unacceptable from the viewpoint of human rights protection and harmful to the reputation of Slovenia.

The Muslim religious community in Slovenia has met with a similar tempo of »non-solving«. They have long been struggling to set up an Islamic centre, for which no suitable location seems to be available, so they expect the government to provide more active assistance in finding an adequate location for building the Islamic centre of Slovenia.

Representatives of the Albanian community brought attention to another specific problem. The state administration does not acknowledge certain documents issued by the administration of United Nations in Kosovo. In such cases the authorities refer the citizens of Kosovo to the Embassy of Serbia and Montenegro, which is absurd, since Kosovo is governed by the United Nations.

Members of newly formed minorities are often victims of so-called hostile discourse in the media, most frequently on the World Wide Web. The German community reacted to such a case by pressing charges against a journalist on radio Slovenia (8), who allegedly fostered national animosity and intolerance. The Higher Court of Ljubljana dismissed the charge, which naturally does not satisfy the German community.

THE POSITION OF THE ITALIAN AND HUNGARIAN NATIONAL COMMUNITIES IN SLOVENIA

The census of 2002 showed - in comparison with census of 1991 - a considerable drop in the population declaring its nationality as Italian (23.7%) or Hungarian (22%). A somewhat smaller decrease was recorded in the number of people who specified their mother tongue as Italian or Hungarian (see table for details).

The constitutional status of both national communities in Slovenia is defined by the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia (9), the Constitution of the RS (10) and several acts (11), the most important of which is the Self-Governing Ethnic Communities Act (12). The key act on the protection of constitutionally recognized national groups in the RS is Article 64 (13) of the Constitution of the RS, which sets out the special rights of the autochthonous Italian and Hungarian national communities, and further references to the national communities are made in Article 5 (14), which deals with the protection of human rights and fundamental freedoms, Article 11 (15), which defines the official language of the RS, Article 61 (16), which speaks about expressing affiliation with one's nation, and Article 62 (17) which refers to the right to use one's language and script.

On the basis of the stated legislation it can be said the protection of both national communities is satisfactory. This is the opinion of the Slovenian Governmental Office for Nationalities, which in its reports (18) states that the position of both national communities is good, their guaranteed legal protection and exercising of rights above European standards, and that there are no special unresolved issues.

During discussion Hungarian representatives did not fully share the views of the Director of the Office for Nationalities. They emphasized the particularly burning issue of the drastically falling number of members of both national communities in Slovenia. In mere ten years their number fell by almost a quarter - a large drop which cannot be explained just by the ageing population. While the minority delegates are satisfied with the legislation which lays down special rights of both communities, it has failed to stop the assimilation process, which to their great concern irrepressibly continues. Slovenian institutions, obliged by the Constitution to protect minorities, have not done enough to this end and have not, as the drastic decrease of the members of national communities

indicates, encouraged new protection projects.

The Hungarian national community has seen a particularly strong assimilation, which is closely related to the weak economic situation of the entire Prekmurje region, and not just the Hungarian community. The region's poor economic state is forcing young people to migrate to economically stronger regions within and outside of Slovenia. The migration of minority members from their local mixed environment means a double loss for the minority, firstly because the minority in Prekmurje is quickly diminishing, and secondly because minority members have no special rights in their new environment, which further accelerates assimilation. Thus the minority now faces a reality that used to cause no special concern. Young people are leaving and - after completing education - are not returning to their original minority community, which is therefore losing promising members and is powerless in fighting the assimilation. Though the weak economic situation cannot be improved overnight, some other specific difficulties experienced by the minority could be overcome.

A highlighted issue was minority language usage in the local multinational environment. While most staff in public services do not speak Hungarian they should at least be familiar with the basics of the language. They drew attention to another easily solvable issue. The Governmental Office for Nationalities website is in Slovenian and English only. Considering the Office caters to the minorities, it would be more than adequate to have its website available in minority languages too. Debate also showed that cooperation between both national communities was very poor. The Hungarian national community is trying to establish constructive dialogue with the Italian community in order to protect their rights more easily and effectively in a joint effort, but the Italian community has shown no interest in collaboration. They displayed a similar lack of interest in joining the seminar as no representative of the Italian national community attended the seminar.

THE POSITION OF ROMA ETHNIC COMMUNITY IN SLOVENIA

The exact number of members in the Roma community of Slovenia is hard to define. At last census in year 2002, the number of members amounted up to little more than 3000 residents. But if we follow the evaluations that derive from Roma societies, townships and the police, their number amounts up to 7000 or even 12000 (see table for details). The biggest Roma communities can be found in regions of Prekmurje, Dolenjska, Bela Krajina and Posavje. If compared to Italian or Hungarian national communities, the Roma community does not have the same level of legal protection, since it's not enjoying the status of national minority, and is therefore considered as a special ethnic community with special ethnic characteristics. Their legal and constitutional position is defined in article 65 (19) of the Constitution of the RS. Article 65 empowers the legislator to assure - besides all the general rights - all the special rights to the Roma community living in Slovenia. In the year 1995,

the Slovenian government adopted the program to help the Roma to protect their community with territory legislation; currently the protection of Roma community is included in nine (20) territory laws.

In 2005, the Slovenian government adopted the resolution in which all special rights of the Roma ethnic community will be settled by the fundamental Law on the Roma Community.

The Roma ethnic community in Slovenia is facing a multilayered problem that involves every sphere of their lives, while education, employment and residential status are representing the biggest problems.

LIVING CONDITIONS

The majority of the Roma are lodged in settlements raised on the edges of the populated regions, where living conditions are below minimum. More than half of the Roma population is living in provisional dwelling places (barrack camps, containers, trailers, etc.), while others live in brick houses and only few in apartments. Such insufficient living standards are leading to an isolation of the Roma settlements, while the majority of the population is becoming more and more prejudiced. It is obvious that normal dwelling conditions are essential for successful integration of the Roma society into the broader social life; it is also the main reason why representatives of the Roma community are trying to involve the state bodies to help them settle the living conditions in the short and most of all long term. Fixing electricity / water supply network, providing drainage and helping with parcel legalization are priorities for the Roma community.

EDUCATION

The poor educational structure of the Roma community is one of the biggest problems. Though the majority of the children are included in the pre-school and elementary school programmes, that is no guarantee they will finish their schooling. Since they don't regularly attend classes, they mostly fail to finish the whole programme and to continue with their occupational education. The main reason for such a situation is, above all, the inadequate socialization of the Roma children and poor knowledge of the Slovenian language.

But what also happens is that children who do not accomplish the standards of knowledge at a certain level progress to a higher class. That becomes a serious problem when these individuals decide to finish elementary school. At this point, candidates receive certain amount of financial aid which is available if a certain class is concluded successfully. But if the candidates do not have the knowledge certified by an elementary school report, they cannot complete the required programme and they lose the financial aid.

They finish their schooling too early and the vicious circle is complete. Representatives of the Roma community are pointing out another burning issue. At elementary school Bršljin, the separation of Roma children and other children at the majority of subjects became an official policy. The representatives are convinced that in this case, a long-term segregation of Roma children is inevitable.

employment

The basic condition to improve the socio-economic status of the Roma community is to have proper employment. Since there is no adequate education (and people are prejudiced), employers are not inclined to employ workers from the Roma community. Their unemployment is markedly above average and individuals mostly depend on social help or grey economy. The participants also pointed out that Roma members are often discriminated against when getting employed. They are the worst paid workers and the first on the list, when the company has to make some of its workers redundant. The public bodies are now trying to design action programmes which would stimulate employers to employ members of the Roma community.

The Roma community supports the decision of the government to pass the fundamental law on their community. In their opinion, the new law should be called “The law on special rights of the Roma community in the Republic of Slovenia”.

The new law should involve the following rights:

- the right to express their ethnic affiliation and to preserve their identity;
- the right to use their language and script;
- the right to education;
- the right to develop their own cultural creativeness;
- the right to establish organizations and societies of cultural, informative, educational and sporting nature;
- the right to participate in politics and to be directly represented in the local self-governments (the Roma councillor), and on the state level in the state council (after the Constitution is modified in the parliament).

The special rights of the Roma should be assured even if the number of the Roma is changed; the law should cover all areas or communities where the Roma live. The law should also incorporate the fact, that the state is morally and materially obligated to put in force the rights of the Roma community, and to provide budget funds to their communities.

What representatives also exposed as particularly problematic is the distinction between autochthonous and non-autochthonous Roma. This way the rights for so-called autochthonous Roma are defined, even if term autochthonous

is not defined in any law or sub-law act. This distinction was put in effect in by the Law on Local Self-Government (21). The representatives are now afraid that such differentiation is going to cause confusion, abuse, exclusion and discrimination. In this case the so-called non-autochthonous Roma are in a much worse position as they cannot have their representatives in town councils and are not entitled to receive money subsidies. As a consequence the local townships do not have any interest in solving the problems of so-called non-autochthonous Roma.

The non-governmental organizations dealing with Roma problems have warned that resources for Roma communities are insufficient and are therefore endangering continual solutions of Roma problems. The work of such organizations is condemned to project work with no comprehensive or whole solutions. Some projects may begin in a promising way but soon fall through because of insufficient money support. These organisations are short of staff for the same reason.

The preparation of the seminars also pointed out how poorly the Roma community is organized on a local level. While communication at a national level was quite good, the communication on the local level was almost impossible, as we often did not know who the actual representative of the certain community is.

CONCLUSION

At both seminars the experts and the minority representatives agreed that the government should urgently ratify the 12th protocol of the European Convention of Human Rights and Fundamental Freedoms (22). This protocol is very important for preventing discrimination against all individuals living in any country that ratified the protocol, and also for monitoring all actions of public authorities. The European court of human rights is competent for judgement and punishment of racial or ethnic discrimination. The ratification itself will not bring any essential changes in treating constitutionally unrecognized and recognized ethnic minorities in Slovenia, but it will serve as a new instrument of help for individuals.

Participants at the seminar did not overlook all the good things the government has done in an attempt to help minorities preserve their national, cultural, language and religious identity. But the fact that the government will have to invest much more effort in helping members of national and ethnic minorities who do not want to assimilate but want to live as Slovenians of different cultural and religious origin, still remains. Although Slovenia is obliged to protect its ethnic and national minorities, the burden of cohabitation is on the majority of its inhabitants, who should try to build a society, where no individual would feel pushed away on the edge of social life.

The legislation itself - even if including the highest standards of protection for minorities - is not offering any warranty for actual equality. The only way to actual equality is possible if everybody involved in social life (from state institutions to each individual), are willing to live by accepted standards. It is not enough just to tolerate diversity - it has to be accepted as well.

- 1 Article 61 of the Slovenian Constitution reads: "Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture and to use his language and script."
- 2 In RS there are more than 60 active cultural societies of national minorities of the former Yugoslavia.
- 3 Parties to this agreement were: Cultural Society of Albanians "MIGIENI", Bosniak Cultural Association of Slovenia, Association of Croatian Societies in Slovenia, Association of Macedonian Cultural Societies in Slovenia, Association of Serbian Societies in Slovenia, and Society of Compatriots of Plav and Gusinje. "Source" dated 19. 9. 2003 in Ljubljana.
- 4 See Articles 10, 11 and 14 of the EC's Framework Convention for the Protection of National Minorities.
- 5 Article 40 of the Citizenship of the Republic of Slovenia Act.
- 6 Under Article 40 of the Citizenship of the Republic of Slovenia Act application was due by 25. 12. 1991.
- 7 Decision finding that the act on the status of citizens of other succeeding states of the former SFRY in Slovenia is inconsistent with the Constitution, Official gazette of the RS No. 36/03.
- 8 Serial on foreign policy, Radio Slovenia, of 18. 12. 2000.
- 9 Official Gazette of the RS, No. 1-4/91-l.
- 10 Official Gazette of the RS, No. 33/91, 42/97, 66/00, 24/03, 69/04.
- 11 In total there are more than 50 such acts.
- 12 Official Gazette of the RS, No. 65/94.
- 13 Article 64 of the Slovenian Constitution guarantees the following rights to the national communities: 1) the right to use their national symbols freely, 2) the right to establish organisations and develop activities necessary to preserve their national identity, 3) the right to education and schooling in their own languages, 4) the right to foster relations with their nations of origin, 5) the right to establish their own self-governing communities in order to exercise their rights, 6) the right to be directly represented in representative bodies of local self-government and in the National Assembly, and 7) the rights shall be guaranteed irrespective of the number of members.
- 14 Article 5 of the Slovenian Constitution deals specifically with the protection and guarantee of the rights of the autochthonous Italian and Hungarian national communities in the RS.
- 15 Article 11 of the Slovenian Constitution reads: "The official language in Slovenia is Slovenian. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages."
- 16 Article 61 of the Slovenian Constitution reads: "Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture and to use his language and script."
- 17 Article 62 of the Slovenian Constitution reads: "Everyone has the right to use his language and script in a manner provided by law in the exercise of his rights and duties and in procedures before state and other bodies performing a public function."
- 18 <http://www.gov.si/uvn/>
- 19 Article 65 of the Slovenian Constitution reads: "The position and special rights of the Rom community living in Slovenia, are managed by the law."
- 20 Law on Local Self-government, Law on Local Elections, Law on Register, Law on Election Rights, Law on Organizing and Financing of Basic Education, Law on Kindergartens, Law on Elementary School, Law on Media, Library Law, Law on Implementation of Public Interest for Culture.
- 21 Official gazette of RS, No. 100/05 (Legally purged text).
- 22 Protocol was adopted on 4 November 2000 and became valid on 1 April 2005. RS signed the protocol on 7 March 2001, but has not ratified it yet <http://conventions.coe.int>

**table: POPULATION BY NATIONAL ADHERENCE,
SLOVENIA, CENSUS IN YEARS
1953, 1961, 1971, 1981, 1991 AND 2002 (a).**

	1953	1961	1971 (b)	1981 (b)	1991 (b)	2002
National adherence						
	Number					
Total	1466425	1591523	1679051	1838381	1913355	1964036
Nationally defined						
Slovenians	1415448	1522248	1578963	1668623	1689657	1631363
Italians	854	3072	2987	2138	2959	2258
Hungarians	11019	10498	8943	8777	8000	6243
Roma	1663	158	951	1393	2259	3246
Albanians	169	282	1266	1933	3534	6186
Austrians	289	254	266	146	126	181
Bulgarians	49	180	138	103	168	138
Bosniaks (c)	...	...	...	...	...	21542
Czech	807	584	442	423	315	273
Montenegrins	1356	1384	1950	3175	4339	2667
Greeks	24	50	24	15	21	54
Croats	17978	31429	41556	53882	52876	35642
Jews	15	21	72	9	37	28
Macedonians	640	1009	1572	3227	4371	3972
Muslims (d)	1617	465	3197	13339	26577	10467
Germans	1617	732	400	309	298	499
Poles	275	222	191	200	196	140
Romanians	41	48	41	93	115	122
Russians	593	295	297	189	167	451
Russins (e)	46	384	66	54	57	40
Slovaks	60	71	75	139	139	216
Serbs	11225	13609	20209	41695	47401	38964
Turks	68	135	52	86	142	259
Ukrainians (e)	...	...	138	190	210	470
Vlachs	9	6	4	16	37	13
Others	352	449	293	526	1021	1548
Nationally undefined						
Defined as Yugoslavian	-	2784	6616	25615	12075	527
Defined as Bosnians (f)	...	...	...	...	...	8062
Regionally defined	-	-	2652	3932	5187	1467
Others (g)	-	-	3012	2853	8716	12085
No answer	...	...	...	...	...	48588
Unknown	211	1154	2678	5301	42355	126325

a) Territory at count.

b) Data is calculated by methodology from year 2002, where so-called »homeless« category was counted out. In years 1953 and 1961 the »homeless« category did not exist.

c) Definition of Bosniaks was initiated in the Constitution of Bosnia and Herzegovina in 1994.

d) Ethnical, not religious criterion.

e) In census from years 1953 and 1961, the Russins and the Ukrainians are included together.

f) At previous counts, the Bosnians were in the category of regionally defined.

g) The count involves individuals who declared themselves as nationally undefined.

Source: Statistic office of RS, Census, 2002.

EXPERIENCE WHICH CONFIRMS THE EXISTENCE OF DISCRIMINATION IN SLOVENIAN SOCIETY

The following contribution introduces the opinions of ethnic community representatives participating at the two seminar interviews held within the international project named Educational programme to combat discrimination in Slovenia. The first seminar (for constitutionally recognized minorities) was held in Rogaška Slatina between 13 and 14 May, while the second one (for constitutionally unrecognized minorities) was held at the same place on 1st and 2nd July. The main goal of the interviews was to acquire useful information from the participants. It also gave the participants a chance to present their point of view, and to share their personal experience related to the discussed problems.

The object of the questionnaire was to examine all the vital areas of interviewees' lives (family, local and working environment), while the stress was on their understanding of ethnic and religious discrimination. The questionnaire consisted of different questions from various thematic fields.

The main themes were:

- participants' own experience with discrimination,
- family life and language skills,
- media coverage,
- organization on an ethnic basis / relations with parent culture,
- relations among minorities,
- view on Slovenia / experiences with state institutions,
- experience with international institutions,
- field of politics,
- employment and work,
- religious expression,
- personal identity.

methodology

The anonymous returns were acquired through structured interviews held in a less-formal, relaxing atmosphere. At all interviews on both seminars, 27 representatives of different minorities were involved (5 representatives of Serbian nationality, 1 representative of Montenegrin nationality, 4 representatives of Bosnian nationality, 2 representatives of Croatian nationality,

2 representatives of Macedonian nationality, 1 representative of Albanian nationality, 2 representatives of German nationality, 6 representatives of Hungarian nationality and 4 representatives of the Roma community). Unfortunately the second seminar (organized for representatives of constitutionally unrecognized minorities) did not involve any representative from Italian minority. Although some of the representatives confirmed their attendance in advance they failed to show up.

In presenting this research two things have to be stressed.

First The fact is that the number of collaborators in this qualitative study is extremely small. The collaborators also do not represent the whole community. But it also has to be stressed, that these individuals play an active and positive role in their community; they attend different duties in their associations and that allows them to judge the minority problems more with better insight.

Second The interviewees were mostly presenting their own views and experiences. But since they represent a certain community, their own opinion was sometimes inseparable from the community opinion.

Regardless of either underlined considerations, we still believe that illustrative answers, presented in continuation, demonstrate an authentic insight into everyday troubled life of examined communities.

The answers can be summed up into the following main findings.

The interviewed representatives of ethnic minorities all agreed with the fact that discrimination in Slovenia exists and that it actually appears in many different areas

(in media, employment, in contacts with state institutions...). But comprehension of the word discrimination can vary a great deal as illustrated by the following answers:

“ They treat us unequally in the same situation - when applying for work, for example...”

or

...“verbal abuse, unfairness in employment ”

or

“ When a man cannot assert one’s right, one’s ethnical principles, one’s culture, one’s spiritual or national identity... ”

There were also more humorous views.

“... I think discrimination is a very normal thing. If you come to a foreign country, you have to adapt to its habits, language and culture. What you bring to this new country is your own culture and language, and if you want to assert yourself, it is clear that the natives will not accept that easily. I think it is very normal if they are discriminating towards you, or if they think you inferior. It’s partly our fault... I’m aware of the fact that

certain rights are violated, but we cannot deny that the violation of rights does not exist. As an example I'm mentioning a kid that comes home from school and says to his daddy »they called me a Bosnian today«, and feels offended because he knows he is Macedonian. Discrimination does not exist only in Slovenia, it is present in all Europe if not even worse.”

But the next view probably summarizes the feelings of the mistreated group in the best way:

“What I understand under the term of discrimination on an ethnic basis is the position of so-called new minority communities: Croatian, Bosnian and Serbian. These minorities, which were established after the disintegration of ex-Yugoslavia, are not constitutionally recognized. Why? Because if they were constitutionally recognized, they would be equal to Italian, Hungarian and Roma community, and that would certainly guarantee them collective rights... A name would be given to a nation and with a name you are not just some immigrant... If you are constitutionally defined, you have the collective right to express your cultural identity. You are also entitled to get higher funds from the budget. Italian, Hungarian and Roma communities received more than 160 million of tolar this year for their cultural projects, while all other constitutionally unrecognized communities together (amounting to more than 170000 inhabitants - 10 % of Slovenian population) received only 20 million or so... This makes it obvious why our cultural projects cannot be realized.”

The representatives of constitutionally recognized minorities pointed out the discrepancy between legally guaranteed rights and the actual rights exercised in practice, or like the next statement illustrates:

“There are many things an individual experiences in everyday life. Although the constitution and laws assure the equality of rights, the equality is just a dead word on paper. In most cases that happens when you try to attain your rights in your native tongue. It is just not possible for us to do that.”

(Representative of the Hungarian community)

In the family and personal sphere, our interviewees revealed how strong the concern for their own cultural identity actually is.

It has to be mentioned that maintaining regular relations with relatives in native countries is essential to them. They have also expressed the desire, that their children would be able to attend extracurricular lessons in their native tongue. The main reason is that at home they mostly communicate in their native tongue.

Problems in this area are illustrated in the next statement:

“In our family circle, we use Macedonian language. I can say that if I wouldn't t be so sure about myself, we would be probably speaking

Slovenian. And my daughter would later blame us for doing that. We were warned very early - by the kindergarten directress - that we should talk Slovenian at home, if we want what's best for our child. That day my wife came home, saying that we will speak Slovenian from now on. Personally, I did not feel discriminated against and I kept my mouth shut. But the next day I took my daughter to the kindergarten and managed to talk to the directress in private. I told her that she should never say such a thing again. I told her that it's a sin against her soul and that she is demanding wrong things; she should let us take care of our daughter, as only we are responsible if she is going to speak Slovenian properly or not."

The upper example clearly illustrates that language can also be an object of discrimination. In this context, two-faced relations of Slovenians toward foreign languages were exposed (west-European languages are better than others).

..." it is disturbing for most people if I talk Albanian with my brother. If I would talk English, nobody would mind. I don't know why, but when I talk Albanian, people start ignoring me."

Extracurricular native tongue lessons represent an additional problem (the cost, teachers...). In this particular sphere, the differences among the minorities become even bigger. When asked if they would send their children to extracurricular lessons, all of our interviewees answered »yes«. At some places this kind of school exists, but the financing problem remains the same; parents cannot pay for the classes, and the school often has to discontinue the programme.

In any case, what all of our interviewees did confirm is that their native tongue plays the key role in the process of keeping the national identity alive.

The accessibility of media in native tongue varies from community to community. To some minorities, daily newspapers and foreign TV programmes are accessible. But what the minority members are really missing are special programmes on RTV Slovenia made just for them. One of the interviewees said:

..."there are no programmes in our language (on Slovenian TV). We still don't have any Bosnian broadcast dealing with Bosnians in Slovenia. It does not exist. You can follow happenings in Bosnia (on satellite TV - remark by T.K.), but you cannot follow happenings here. There is a weekly show on Croatian TV that deals with minorities; you can follow what is happening with Bosnians in Croatia. That kind of show could be a model for RTV Slovenia."

In younger generations the lack of media coverage will be certainly diminished by the Internet. But at the present (especially for the older generations), the Internet is not a type of media frequently used.

The picture is dramatically different when we talk about constitutionally

recognized minorities. All representatives of the Hungarian community expressed their satisfaction with TV and radio shows. They also have books and daily newspapers available on their territory. All our interviewees confirmed the usage of available media in their language, while media in Slovenian and Croatian language is used as an addition.

The media coverage of the Roma community is very poor. They only have one newspaper in their language (the Association of Roma gazette), so they are forced to read newspapers in Slovenian and Croatian. The situation with television programmes is the same. The only bright exception is TV Velenje with a weekly 60- minute broadcast in the Roma language.

In the section on the organization on ethnic basis /relations with native culture, we wanted to see what basic problems individual minorities are really facing. We wanted to define the main activities of their societies and relations with their native country. We were also interested to find out how local communities (and Slovenian government) are treating their societies, and what is the relation between the government and their native country. Finally, we wanted to see their view of what Slovenia should do to improve their community status. The Albanian representative clearly stated what the main problem of unrecognized minorities is:

“The key problem is, that the Albanian minority is not constitutionally recognized. This is the basic problem. All other problems derive from that.”

Although he thinks that relations between the country and their society are good (monthly they receive a small amount of money - not big, but in his words well-intended), the status of Albanian community should be settled on a different basis.

The representatives of Croatian community shared the same opinion - money and space are the key problems. In view of the strained political situation between Slovenia and Croatia, the representatives agreed that politics are one thing, while relations between people are another thing. They also added that politics do not reflect the actual situation; they said that relations among people (in this case between their association/minority and Slovenian majority) are good.

The views of Bosnian representatives were also interesting. Here you can read the opinions of two representatives:

First

“As it is right now, I think the major problems are these new stereotypes. One of them is that Bosnians are not educated, the other one is that Bosnians can only be bricklayers... There is no conception that a Bosnian woman could be anything more than just a cleaning lady. From this point on everything seems clear; Bosnians are uncultured, Bosnians are

uneducated, Bosnians are rural... People judge you accordingly."

Second

"The key problems of my ethnic community are, that we can't preserve our culture, our national identity; we have no extracurricular lessons in Bosnian, no possibility to practice our religion, that is profess our religion in a place of worship, because we have nothing. We have no TV programmes in Bosnian, no basic infrastructure, in short, nothing."

The representatives of Serbian community also shared the same opinion. But while some of them exposed good relations between the two countries, one of the interviewees answered the same question very directly;

"Contradictory (relations). Slovenia is a very interested, and strong economic partner / subject. In consideration of the fact that I belong to ethnic community, which deserved (or which was charged with) the majority of responsibility for past events, we feel peculiar discordance amongst principles and the actual state. We either feel underprivileged or are unfairly stigmatised."

Experiences of constitutionally recognized minorities are in this context once again strongly at variance with the views of constitutionally recognized minorities.

What follows is a statement from the first female representative:

"Legally our rights are wonderfully fixed. But in the real life things are more complicated. Some people do not dare to practise their rights or do not know how to live with them. Especially older people; they weren't raised that way, and their experiences were bad. They have a problem, because they do not master the language of the majority population."

The views of Roma representatives were specific. The major problems were defined in broader terms:

"Our ethnic community is facing many problems: legalization of our settlements, infrastructure problems, employment problems, dwelling problems, educational problems...."

The representative (and also the town councillor) of the Roma community in Novo Mesto told us, that the attitude of the Slovenian government and local community toward their association is anything but good.

"Bad everywhere. Local community? Very bad. As a councillor I know a man in charge of Roma issues. I call him on the phone and he doesn't answer. Catastrophy. They are not all the same at the state level. Depends on whom you would like to talk to. I talked to the human rights Ombudsman.. They are not all the same. Some of them are really bad, but I do not want to name them."

Relations between the minorities on a declarative level are mostly good. But the ruptures in their mother countries, the burden of the near past, and unhealed wounds from the last war are still aggravating for their relations. Here is the confirmation from the Serbian representative:

"We are on good terms with everybody. A lot of members of other communities attend our literary evenings. But when we are organizing a party, they are not invited. You know how it is - a glass or two, a song with national content and everything can go wrong."

The status of constitutionally unrecognized minorities is a strong link that makes them allies. In order to improve their legal status, political and interest federations are formed. As said by Hungarian representatives, the only exception appears when Italian minority is in question. Relations between these two minorities are much weaker even if common interests are being furthered.

Hungarian representatives did not expose any difficulties in collaboration with the Roma community or Slovenians. More interesting was the statement from a female representative about the Italian minority:

"Other holders of constitutionally recognized rights are members of the Italian minority. But to get in contact with them is very hard. We were trying to organize a working meeting but it just seems like they don't care. We are more open, while they are more self-contained. When the new law about RTV was in preparation I - as president of the programme board for the Hungarian minority - called Mr. S. - who is also the president of the programme board for the Italian minority - to talk about the problems we are both sharing. Once again, they were not responsive. Although their rights are not implemented in the new law, Mr. S. said that Mr. Janša (the prime minister) promised them a meeting in April. I guess they think they don't have to link up with us."

State institutions do not enjoy much confidence in the eyes of our interviewees. The only bright exception is the Ombudsman.

Proceedings in case of discrimination are unknown to most communities, while people are too poorly educated to avail of them.

All minority representatives agreed that their representation in state bodies is poor at all levels. The only exception is the Hungarian minority. But even there - as our next female interviewee stated - everything is not quite in order.

"Certainly not. At least one member of the Hungarian minority should be employed at the Office for nationalities. That also goes for Italian and Roma community members."

To take an active part in politics is not a priority for several ethnic associations.

Questions from this section took on three different directions. First of all, we wanted to know, which political party has the best / the worst attitude toward their society. Furthermore, we asked them what political wishes they have; do they support incorporation of their society into one of the existing parties, or would they rather form their own political party. Finally, we wanted to find out if community representatives are sufficiently represented in public institutions of Slovenia.

Answers in this section allow us the following conclusions; with almost no exception, Slovenska nacionalna stranka (The Slovenian national party) was underlined as the party with the worst attitude toward the minorities. Nova Slovenija (The New Slovenia) and Slovenska demokratska stranka (The Slovenian democratic party) are the closest followers, while Socialni demokrati (Social democrats) and Liberalna demokracija Slovenije (Liberal Democracy of Slovenia) are standing high in their favour.

The situation with taking an active part in politics is more or less the same. Societies are mostly organized as cultural associations, so their political participation is low. The two Bosnian representatives were among the few that did not agree:

First

"I think our own political party could articulate our claims much better ..."

Second

"Establishment of our own party."

In the area of work, minority representatives are facing various forms of discrimination. The most common target of discrimination are low paid and low-educated representatives. If we follow answers in this area, the worst position is reserved for workers whose knowledge of Slovenian language is poor, or whose physical appearance is revealing they are not Slovenians.

In this section we were interested in finding out, if our interviewees have had any difficulties in finding employment because of their »non-slovenian« roots. Were they treated any differently from their co-workers or their superiors?

Although many of our interviewees did not face discrimination at work, it could be said that these problems are related to the educational level (and consequentially with working environment):

"Yeah, I felt it. Example: they think we take their jobs away. Today, even if you are promoted to a certain level and you have the proper skills, Slovenians still have the advantage." (representative of the Serbian minority)

Two representatives of the Roma community were more specific in their views.

"Two months ago I applied for the job. They invited me to an interview and when they saw the colour of my skin - because I sunbathe a lot -, their eyes

were starting to shoot. They left for discussion, came back, apologized and told me that they cannot employ me, because the requested job is not available. I believed them. But half an hour later, the next candidate gets a job. I went back to their office and ask the lady why they did that. Her face reddens and she started to look for excuses. I went to the employment service to report the incident."

"The employer always finds a reason not to give you the job. But in Velenje, we somehow managed to find a way of living that others could accept..."

Religious belief represents a strong element of personal identity for the majority of our interviewees. We asked them if Slovenia offers appropriate conditions for expressing their religious beliefs. We also wanted to know if they celebrate religious holidays and if faith is an important element of their identity. Finally, relations between their and Slovenian religious community were examined.

The biggest infrastructural problem for Slovenia remains the fact that the Muslim community has no adequate place to practice their religious beliefs (especially in comparison with other religious communities). The representatives of Muslim community are not the only ones facing this problem; Macedonian representatives were also critical. This is what one of them said:

"... more than 5000 Macedonians are living here. They have permanent residences and citizenships, and if we add 8000 or 9000 temporary workers, that already makes a nation. They are not livestock. When a holiday comes, these people want something. It would be normal if they would have a small church or a cultural institution. Then they would organize differently - they would be better at work and more satisfied. Right now, when a holiday comes, people are staying at home, feeling bad the next day. They feel it would be better in some other country."

With the exception of Bosnian, Macedonian, Hungarian and two Roma representatives all other representatives confirmed that conditions for religious practice in Slovenia are good.

The main reproach from Bosnian and Roma representatives came from the fact that no adequate infrastructure is available for their religious needs. The Hungarian female representative - she was more critical than anybody on all topics - was very direct.

"... No. My niece had to learn catechism from a Slovenian textbook. We have no books in Hungarian language. We wanted to bring them from Hungary, but the priest didn't allow it. We could at least translate them. We could do that. We told the priest that we are ready to financially

support the translation, but nothing was done. We thought that »holy father« has the same meaning in Hungarian and Slovenian language.”

The majority thinks that faith is an important element of their identity. The interesting fact is that not just believers, but also atheists celebrate certain religious holidays (Christmas for example). The followers of the Orthodox Church are mostly celebrating both holidays (Orthodox and Roman Catholic). All of our interviewees confirmed good relations with the majority creed.

The identity of our interviewees is under influence of (at least) two worlds. The phenomenon of double identity was more or less present in all interviewees. But we did notice the difference when preservation of old / acceptance of new identity was in question. One of the drastic steps was made by a representative of the Roma community who decided to change his name:

“I changed it already - my surname. My wife changed her surname in order to get a job (his wife is also a member of Roma community - remark by T.K.). She was looking for a job and in these times it was hard to get employed in Novo Mesto if your name had connection with Roma name. When I married her, I took her surname.”

And even if some interviewees replied with » I would never do such a thing «, they all knew a person or two who actually did it.

CONCLUSION

This qualitative research was performed with the intention of getting feedback information from minority representatives in Slovenia. This way an illustrative insight into the discrimination problem was made possible.

It is clear that such a small sample does not allow us to draw any penetrating conclusions about various problems minorities are facing. But similar experiences and statements are still a good indicator of their status in present-day Slovenian society.

Since our interviewees represented the unique intellectual elite of their communities, their knowledge about ethnic dilemmas is much more profound and representative. Their answers confirmed the fact that individual ethnic groups are facing specific problems at all levels.

Our observations confirmed that all of our interviewees have met with discrimination in one form or another. Individual examples are in fact dictating such a conclusion. Apart from a great deal of such cases - which sometimes lead to a worst case scenario (conscious denial of self identity / change of name) - it is surprising how little resistance community members really offer.

Only a small number of victims of discrimination look for help from the state or related institutions.

Statements from our interviewees manifested that community members are not using institutionalized ways to solve their problems because they don't trust them. Others think that trustworthy individuals (like the Ombudsman) do not have any real power to change anything. Some interviewees mention a lack of financial means. But the major problem is the biggest group - the group of insufficiently informed people who lack the knowledge to make a step towards a better tomorrow.

Even our interviewees fought for their rights only when their knowledge was sufficient. And that is why suchlike seminars, workshops and other forms of education are necessary.

INSTANCES OF SUSPICION OF RACIAL, ETHNIC, AND RELIGIOUS DISCRIMINATION IN THE WORK OF THE HUMAN RIGHTS OMBUDSMAN

The basic task of the Ombudsman is to deal with complaints from affected individuals because of controversial treatment by state bodies, local self-governing bodies, and of holders of public authority. In agreement with the affected, the Ombudsman can deal with the problem on his own initiative, and he can also, according to the Human Rights Ombudsman Law (in further reading HROL), deal with broader issues important for the legal security of people in Slovenia. The Ombudsman's measures primarily consist of giving opinions, recommendations and warnings to competent bodies, which he supervises from the aspect of human rights and fundamental freedoms, and principles of justice and good conduct. The Ombudsman gives his opinions especially in concrete cases when dealing with particular initiatives, and also gives his opinions on questions of principle. The Ombudsman summarizes his most important findings and cases in an annual report, which he is obliged to proceed to the National Assembly. In the report, the Ombudsman presents his assessment of the level of respect of human rights and fundamental freedoms, and on legal security in the country. The Ombudsman's work is also focused on certain preventive activities that do not have express legal grounds. Those are primarily promotion and knowledge about the meaning of respect of human rights and fundamental freedoms, and sensitization of public, and besides that, the Ombudsman frequently participates in various educational projects organized by both governmental and non-governmental bodies. Thus, from the Ombudsman position, on the one hand there is a possibility of wider insight into social events, and on the other, that position allows insight into the limitations of scope of the Ombudsman's measures. Namely, the Ombudsman only offers additional, informal way for securing rights, and not a substitute for application of legal means.

The Ombudsman pays particular attention to issues related to unacceptable forms of discrimination, and the prevention of those occurrences is a constitutive and inseparable part of human rights. When addressing a complaint, the Ombudsman often encounters allegedly unjustified discrimination. These issues are mainly about the subjective standpoint of the complainant, which is usually not supported by concrete information or evidence of circumstances that would justify such a conclusion (1). It would be useful to emphasize that, in accordance with the provisions of HROL and Realisation of Principle of Equal Treatment Law (in further reading RPETL), complainants also carry a certain

responsibility to produce evidence when they complain of discrimination. In that case, not even various unequal treatments, even when they objectively exist, can be considered as a case of unacceptable discrimination.

Discrimination is defined as a special operational area of The Ombudsman, which includes sub-areas of national and ethnic minorities and equal opportunities (genders) (2). As a rule, that area covers issues where there is serious suspicion of discrimination based on personal circumstances, and a violation of equality principle is treated according to so-called rigorous proportionality test. Because unacceptable forms of discrimination also have innumerable faces, part of those initiatives with such topics can be separated from cases in other areas, especially in the area of constitutional rights, e.g. in the sub-area of ethics of public speech (cases of so called hostile discourse in the media, in politicians' statements) or freedom of conscience (ex. discrimination among religious groups). When it comes to suspected violation of a special viewpoint of equality principle, such complaint is placed in an adequate area or sub-area (e.g. the equality of the right to vote in the sub-area of the right to vote, etc.).

PROBLEMS IN TREATMENT OF MINORITIES

Vulnerable social groups, minorities being one of them, are naturally the most exposed to discrimination. In the already mentioned sub-area of national and ethnic minorities, we do not deal only with cases of inadmissible forms of discrimination, but also with cases of ignoring of special rights of minorities, which reflect so-called positive discrimination. The purpose of recognition of special rights (which are usually collective rights) is, first of all, to allow the members of a minority and the minority itself to more effectively preserve its ethnical and other characteristics (e.g. language, culture, historical identity). It is usually accompanied by recognition of special political status (e.g. self-government, guaranteed participation in governmental bodies). In the case of special protection of rights of the Roma community, besides classical purpose of protection of minorities, there is also an attempt to do away with the consequences of long-term historical discrimination, which put numerous members of that ethnic group in a particularly difficult social position.

The majority of individual complaints lodged with the Ombudsman from the area of minorities is related to so-called Roma problems. Reproaches about supposed biased treatment on part of government bodies are made in turns by non-Roma residents (who think that Roma are unjustifiably privileged), and also, to lesser extent, by the affected Roma (who think that they are underprivileged). The complainers often suggested the Ombudsman should pay the same attention he gave to solving Roma problems to citizens who are in constant fear of Roma violence. In that sense, complainers often warn us about supposed unequal protection of rights. In presenting security problems,

it is not uncommon of a complainer to propose cutting off welfare, eviction or removal, penal repression etc. These propositions often referred to whole communities. With the intention to ease the tension between the Roma and local citizens, the police usually respond to such circumstances by increasing the control with police patrols, with issues also being dealt with at advisory committees for safety, etc. Solving Roma problems does not necessarily mean that we should turn a blind eye to deviant incidents by members of that community. It does not mean either, that the latter are protected and defended by the Ombudsman. On the contrary, the principle standpoint of the Ombudsman is that legislation has to be enforced consistently and equally for everybody. All individual violations of legal order must be treated equally. General rules or their possible violations generally do not affect the possibility of exercising special rights or other privileges. Cases of violation of legal rules and rules of coexistence do not relativize the fact that a considerable part of the Roma community needs additional help. Therefore it is not possible to equate solutions of Roma problems with safety issues. The Ombudsman in all concrete cases usually strives to get the full picture, so regardless of the particulars of a concrete problem, we always make inquiries in local communities, in local competent centres for social work, at the police etc.

In terms of dealing with broader issues the Ombudsman has been warning for several years about the problem of arranging the special rights of the Roma community. According to the Constitution, the legislator is required to ensure special rights to the Roma community, which originate from comprehension of their distinctive actual position. The Ombudsman assesses that the existing normative disorder or partial order of particular rights is the reason for undefined position of Roma. In that sense, the Ombudsman finds this to be one of the key system reasons for misunderstandings, disputes or even open expression of intolerance to Roma, which again and again arise in the community (3). With the existing partial provision, municipalities are especially burdened with the task to secure special rights to members of the Roma community. Since the state does not secure enough means for that burden, that justifiably arouses discontent in local environments, because securing special rights to Roma is considered an additional financial burden, which affects other local projects.

That position is likely to foster resistance to special rights of the Roma and to the community itself. At the same time, the Ombudsman finds that we do not have a unified or adjusted policy for solving the Roma problem in all the sensitive areas - education, residence problems, employment and social security. We are constantly warning about long-standing case of disregard of already secured special rights (of the Roma community) to special political participation in municipal councils (the first time we pointed out that discrepancy was in 1998). That case also constitutes a deliberate disregard of a verdict of the Constitutional Court. Grosuplje municipality still has not secured changes of municipal statute and voting of Roma councillor, as

obliged by the law on local self-government, and in Trebnje municipality, voting of Roma councillor has been actually secured, but the municipal statute, which would secure legal security, has not been changed.

Regarding relation representatives of both autochthonous national groups specially emphasize that they do not want to see their language become only “a household language”. Thus we have been warned that in areas inhabited by both minorities, that the national institutions and courts do not always provide the possibility to operate in the official Italian or Hungarian language. According to their assessment, this situation is generally connected with employment of public officials or persons who do not know the language although they should. Usage of language of national groups in administrative, court and other procedures is formally secured, but it is actually frequently associated at least with various additional difficulties, although members of the group want only to use the language of national group in a process, and do not persist that institutions operate in that language. So we have been warned that members using their language frequently have an actual dilemma, because in case they decide to use the language of national group, they are almost always facing obvious prolongation of court processes because of engagement of interpreters and translations of decisions. The Ombudsman has emphasized that it is not enough that the state ensures special rights for both constitutional ethnic minorities only formally, but its duty is also to provide their successful implementation in daily life.

The Ombudsman has been receiving reproaches that Italian and Hungarian ethnic groups are in a privileged position compared to other minorities. We think that one of the main reasons for that is undefined term of autochthonous, which the Constitution applies to their special status. The legislature is persistently avoiding a more detailed definition, although it has been required to do so by some verdicts of the Constitutional Court. So in defining areas where Italian and Hungarian minorities live, and instead of defining the criteria for determining municipalities with ensured participation of Roma councillors, it uses a taxative approach. In arranging supervision of a special voting right for Hungarian and Italian ethnic group members, it refers to the self-governing nature of that issue. Such a restrained approach is possibly understandable due to the vagueness of the term autochthonous, although it is precisely that way of regulating which creates constant suspicion of the system’s arbitrariness. That gives a foundation for new reproaches that the state does not allow minorities to exercise their rights at an equal level.

Representatives of Albanians, Bosniaks, Montenegrins, Croats, Macedonians and Serbs, representatives of Sints and native people from Kočevje have been pointing out that they do not have a recognized special position and so they do not exercise special rights. However, some of the named ethnic groups, or so-called newly formed minorities have already issued their demands for recognition of special status in a form of petition. Representatives of those minorities have warned us that some of the highest constitutional authorities do not respond to such petitions. If petitions are sent by citizens, it is a

violation of right to petition under article 45 of the Constitution, because it is a case of disregard of good conduct principle. The Ombudsman had already warned about incompletely defined powers of Office for Nationalities, which are too restricted, and so the mentioned minorities cannot get an adequate response from them. The state presently ensures financing of certain cultural activities of those minorities, and to a very limited extent carries out extracurricular educational programs of language learning in schools, which is usually a result of accepted bilateral international obligations. According to opinions of representatives of mentioned groups, such help is welcomed, although it is insufficient for ensuring adequate conditions for further cultural and national development of those groups. Recognition of special rights to so-called newly formed minorities is legitimate, although it is by nature primarily a political issue. The Ombudsman supports the efforts to make them a subject of serious democratic political discussion, because he finds that important from a viewpoint of security of human rights. It would also be good to mention unexplicable delays by government make public research results of the Institute for Nationalities on the position of communities originating from countries, founded on the territory of former Yugoslavia. That research has become public thanks to the Ombudsman's intervention. We think that it means an actual foundation for discussion on further regulation of the position of those minorities.

It is important to emphasize that we have also observed occurrences of suspected violation of those individual rights, through which the Constitution (at least indirectly) ensures security of identity of certain constitutionally unrecognized minorities. In local environments particularly we can find opinions that usage of foreign language insults the feelings of majority etc. (we have dealt with several cases of usage of German language). The right to use your own language is a fundamental human right, which belongs to everyone, and it is a civilization basis for coexistence of people of different national communities. The constitutional obligation to use official language is related only to public matters or operations of governmental institutions. Even in that case the Constitution states that every person can use his or her own language in front of governmental institutions in a way that is defined by law. The Act on Public Usage of Slovenian Language (in further reading APUSL) details the obligation for usage of official language, which was till now defined, apart from constitutional provisions, only in provisions of individual procedural regulations. APUSL defines the obligation of oral and written communication in the official language in all areas of public life. This poses a question whether the new act has possibly spread the obligation of official language usage over the boundaries of public matters. We find that APUSL, because its effect is yet unclear, can cause certain tensions, because many times in daily life it is not easy to differentiate between the public and the private. As an example we can point out to language usage in the framework of activities of a community (which according to community law is a public matter), or in a case of a religious ceremony preformed at a funeral.

some of the examined cases

INTOLERANCE TO CITIZENS OF GERMAN ORIGIN

A cultural society that is trying to revive the memory of German minority appealed to us. Due to the organization of an opening of renovated society premises, they encountered a lack of understanding from some locals, especially because part of the event took place in German. It was attended by the mayor of the neighbouring Austrian municipality. The event was shot and broadcast by a local TV-station. The Local Community (in further reading LC) council has responded to the event with their viewpoints and most severely condemned “unprofessional performance” of the event, usage of foreign language which “deeply affected the feelings of other locals” and aroused painful memories; a religious harangue which, because of mentioning post-war killings and exiles allegedly meant an insult and one-sided interpretation of history; and the renovation of the building does not belong to their province. Received viewpoints of LC council do not have a legal foundation in the Municipal statute. Selected expressions used in the viewpoint text are rather undefined. The evaluation of the LC council that the usage of foreign language at the opening of the society premises affected the local people does not have any legal grounds. Everyone has a right to use their own language even in procedures involving governmental institutions. Moreover, that right is ensured in private legal relations, where everyone has the right to use any language. The usage of a foreign language would hardly mean that the rights of other locals are encroached. The evaluation of the content of religious ceremony and harangue at the opening is not a thing that should be considered under the competence of LC council. Evaluative interpretation of history, whether it is such or different, is a matter of freedom of thought and expression, which by itself can not be offensive. Legally speaking, it can be offensive only to a particular person. The labels used in the LC council viewpoints are completely the same in nature. They are negative and generalizing value judgments, with which the LC council expresses its evaluation or opinion on the performance of the show. The most severe condemnation of those activities (in the private show of the society) must not be a subject of LC council viewpoint. Because of the aforesaid, this complaint to the Ombudsman was considered as justifiable. It is not precisely clear if the mentioned case was about exaggerated response because of personal disputes between the members of the society and LC council, who for example have noted that they have not been invited to the show. The Ombudsman dealt with the issue before the enforcement of RPETL.

Recently we have dealt with two media covered problems of supposed ethnical segregation of children in schools. We are dealing with it within the area of child rights, in the sub-area of children of minorities and endangered groups, and in the area of administrative affairs, or the sub-area of social

activities - educational system. The first case is Bršljin primary school in Novo Mesto (4), where they introduced an experimental model of education for less successful children in lower classes, which as a consequence would have had separate education of Roma children. The second case is Livada primary school in Ljubljana with a clearly disproportionate structure of students, predominantly of non-Slovenian origin, inconsistent with the actual structure of the immediate neighbourhood. In both cases we have found violation of regulations. So far we have not recognized any willful efforts by governmental institutions regarding segregation based on ethnicity of children. The issues have not been concluded yet, and we are monitoring the progress of events.

RIGHT TO HAVE A PERSONAL NAME ON A PUBLIC DOCUMENT

A member of Hungarian national minority has requested the Health Insurance Institute of Slovenia (ZZZS) to enable him to use his name in Hungarian form and script (writing the name with accents) on his health insurance card. He was referring to the Personal Name Law (official journal of SRS no. 16/74 and 28/81). The explanation has been that ZZZS can not ensure that, because the computer system they are using does not allow that. We have forwarded an opinion that such technical limitations cannot present a justifiable reason not to use full official name on health insurance card, because it presents a public document. Personal name is an important aspect of personal identity, and in this case, security of identity of Hungarian national minority is also endangered. A personal name is a personal right, and the Constitution especially protects the respect of a human personal dignity. ZZZS responded with an explanation that their card is not only an electronic document, but it is also a medium that enables a connection between databases, so consequently, for an effective functioning of the system it is required that letter fonts in databases has to be set equally with all its users, which is not ensured for the time being. They stated that they are trying to find adequate solutions in a broader environment. They have also stated that there are no major obstacles for the correct writing of a name, at least from visual aspect of the card. We have counted this complaint as justifiable, and the response of ZZZS has also been evaluated as adequate.

COMPLAINTS FROM THE AREA OF RELIGIOUS GROUPS

In recent years, suspicions of discriminatory treatment of religious groups on part of the Governmental Office for Religious Groups were rather frequent. Many times we have been warned about the silence of the Office for Religious Groups when dealing with requests for entry into the registry of religious groups. We have also been warning about questionable state's support to religious groups. We have found that means are assigned without accepted criteria and without public competitions, therefore they are not transparent.

Because some of the religious groups did not receive the desired support, the question of unequal treatment was also raised. Both problems were related to the problem of insufficient normative regulation of all activity areas of religious groups. This year we received only one complaint which affirms discrimination of one of minor religious groups. The problem is primarily at a symbolical level, because discrimination takes place at diplomatic or protocol receptions where people are arranged according to their importance. Since the complaint upon our appeal was not completed and concretized, we have halted the procedure.

The Ombudsman has resolutely responded in cases of resistance to building of certain religious objects. In some cases we have warned about attempts to stir religious intolerance, especially in the case of gathering support for referendum on site document for building of Ljubljana mosque. According to our evaluation, such nature could also be found in controversial election posters of some of the candidates for the National Assembly, on which there was a clear and recognizable slogan - "defend Slovenia!", and a schematic logo with a crossed-out silhouette of a mosque. Many times the Ombudsman has publicly taken a clear standpoint on events related to the referendum campaign for the site document and electoral campaign, and it is that the case shows an obvious suspicion of stirring religious intolerance. Statements of some politicians have also been described as unacceptable. We have also dealt with a case of resistance to building a Jehovah's Witnesses center in Kamnik.

OTHER FORMS OF DISCRIMINATION

The majority of other issues related to discrimination has been dealt with in the area of constitutional rights, namely in the sub-area of ethics of public speech.

We have come across an increased number of cases of so-called hostile discourse or attempts to stir intolerance. Hostile discourse can be regarded as a violation of prohibited fostering of any inequality and spreading of hatred and intolerance (article 63 of the Constitution). In those cases, due to the Ombudsman's lack of authority, we have primarily given only explanations about possible forms of legal security, because most of the times they were about controversial publications in media in private ownership. The weight of controversial treatments ranged from open hostile discourse and homophobia to unauthorized labelling and repeated stereotypes about particular social groups. So far we have dealt with complaints related to suspicion of religious intolerance and related to national or ethnic minorities (5). While dealing with the majority of such complaints we have not encountered very serious problems.

We have also publicly expressed more concern about two very important warnings, with which the Ombudsman responded to unacceptable calls to

violence directed to so-called erased people who have recognizable national and ethnic origin (members of nations from republics of former Yugoslavia, although the core of the problem is probably political, and it is about discrimination of people who supposedly were disloyal to the country in 1991). Controversial occurrences have been dealt within the Ombudsman's competence for treatment of broader issues important for legal security. Besides, the Ombudsman has in various occasions publicly pointed out to unacceptable expressions of intolerance. Those are particularly worrying when uttered by politicians and other public persons on prominent positions in governmental institutions while attending their duties. It is them in particular from whom it is justifiably possible and necessary to expect and demand special care for ethics of public speech and responsibility for the development of tolerance and democratic political culture. We also cannot overlook the influence public responses have on that development in such and similar events (in contents of various complaints we have periodically recognized responses to some controversial events and the Ombudsman's warning). We emphasize that such responses from the Ombudsman are primarily the exemplary ones, mainly intended as warnings to the competent institutions that they are obliged to monitor them and react to them.

When the contents of the ill-famed proclamation, hanged on the door of SNS (Slovenian National Party) in the National Parliament, were revealed on television, the Ombudsman denoted such activity as an obvious violation of article 63 of the Constitution, which prohibits calling to violence and arousing hatred on the grounds of national identity. The Ombudsman has publicly evaluated that the mentioned incident is a case of suspected criminal act under article 300 of the Penal Law, and he has called competent institutions to take measures. As we already know, the controversial poster initiated a pre-penal procedure. The Ombudsman cannot intervene into the content of the procedure, and he does not know who the suspected perpetrator is (6).

In the second case we have publicly warned about the problem of spreading intolerance on the Internet. We have been warned about such problems related to different vulnerable groups in various complaints. For example, at a press conference in September we pointed out our response to an anonymous complaint that warned us about the content of some opinions on an Internet forum (www.nemejebat.com, topic - the society of "the erased"). In the complaint, a sender has expressed the opinion that such treatment is punishable and suggested criminal proceedings against the authors of the statements. The Ombudsman, of course, does not have the authority for criminal proceedings. That is why, according to provisions from article 145 of the Criminal Law, we surrendered the issue to the public prosecutor. Nevertheless, we have expressed our opinion that a mere glance at the site's content allows us to conclude that numerous examples are about provoking, stirring and spreading of ideas opposed to the constitutional prohibition of fostering inequality and intolerance under article 63 of the Constitution. We

have also expressed our opinion that it constitutes a suspected criminal act under article 300 of the Penal Law. We have emphasized that our information is incomplete, that we do not know who the guilty parties are, and we have recommended to the prosecutor to investigate the circumstances of the source of contents on the mentioned forum. The prosecutor agreed with such a legal qualification and handed the issue to the police with instructions to trace out the perpetrators (7).

At one press conference, the Ombudsman also responded to desecration of tombstones in Trnovo near Nova Gorica by fascist symbols. The media attributed the responsibility for the act to unknown perpetrators from the Italian side. The Ombudsman has stated that the spreading of hatred and intolerance leads only to greater hatred and intolerance which is difficult to stop, and that spreading of hostile statements both in Slovenia and abroad is too easily accepted, and that we must instead severely condemn every similar act. On the same occasion, he appealed to the entire Slovenian public, especially the most responsible politicians, to help to stop the spreading of intolerance and xenophobia, and when such incidents happen, to condemn them and not accept them as a matter of course (8).

OTHER ACTIVITIES OF THE OMBUDSMAN

There is already an active special working group operating in the Ombudsman's office, which deals with discriminatory occurrences. The work is, besides the classical task - dealing with complaints, related to treatment of broader issues. There is also a need to increase the Ombudsman's role in education and promotion, and also enlightenment of people - in other areas of human rights security, because only a complete approach can give results. It is necessary to collaborate with non-governmental organizations, universities, research institutes and public institutions. The Ombudsman appears here primarily in the role of an initiator and promoter of individual projects.

On the Ombudsman's proposal, European Commission financially supported the educational project proposal, which, in cooperation with European partners, will ensure the transfer of necessary knowledge, experiences and working methods in that area. The project is just about to be carried out, and selection of partners is in progress. The project is not intended only for the Ombudsman, but also to train other experts from all key positions in the national institutional structure (JEM - The Equal Opportunities Office, administration, inspectorates, Centres for Social Work, jurisdiction, non-governmental institutions). The Ombudsman can try to contribute to the establishment of an operative and successfully functioning system in the area of fighting against discrimination and other occurrences of intolerance.

Some other promotional activities are in progress. The Ombudsman's role of promoter is enabled by good reputation, credibility and people's confidence in

the institution of Ombudsman, which he has gained during ten years of work, active dedication to public relations and increased activities in the area of promotion and education on human rights. Over this time the Ombudsman's outward orientation has brought him a role of a public opinion maker, who has attracted enviable media attention, which enables him also to use mass media for promotion and education on human rights. Active cooperation with various publics and connections with national institutions and non-governmental sector, universities, private institutes and other broader expert and non-expert public, has over the year created a rich social network and subsequently, the access to important information.

The Ombudsman has already dedicated one issue of his bulletin to the theme of discrimination, which is available at public and school libraries and various public institutions, and of course on our website (9).

In the light of warning about growing forms of intolerance and discrimination, which we are witnessing in recent years in Slovenia, with help from external collaborators - university professors, journalists, painters, photographers - we organized a project called Forms of Intolerance in Slovenia. The project was a result of response to increasingly severe forms of intolerance to minority groups of people, whose living conditions are as a result becoming more and more hard. The purpose of the project was to collect material, point out to the connection between public hostile speeches of politicians and individual hostile attacks, and by presenting the material bring the topic closer to the people. On the basis of collected material we organized an exhibition called Never-ending Intolerance, which shows how hostile activities accumulated and what impact they had on the groups against which they were aimed. As a part of the exhibition, we have produced a documentary called BRČV 2004, which brings testimonies of people who have been targets of violence in public. The exhibition has been and will be presented in various parts of Slovenia, and where possible, the exhibition is accompanied by a round table that enables discussions about actual forms of intolerance and ways of overcoming it. Since the gathered material also offers an excellent foundation for theoretical analysis, we decided to publish a miscellany, and we have invited respectable Slovenian publicists to prepare the material by dealing with the material analytically and preparing professional articles on various themes. We expect the miscellany to be published by the end of the year.

CONCLUSION

So far no complaint (regarding the work of institutions under the Ombudsman's supervision) during the current year has been found by the Ombudsman as justifiable, nor while dealing with it has there been an explicitly confirmed suspicion of racial, religious or ethnic discrimination. There are many reasons for that. The Ombudsman has particular powers (but no authority over the private sphere, while its auxiliary nature means

only taking steps if all available legal remedies are exhausted). We are also finding that complaints related to the treated problems are on relatively weak grounds. At their core the actual problems frequently stem from other legally definable or actual causes.

Of course, all this does not mean that the Ombudsman has not recorded negative occurrences in the society. On the contrary, we find that our warnings about broader problems of fighting discrimination, based on concrete events, have met with the widest response. We have come across different, even partially negative responses, though, but they have undoubtedly contributed to an increase in people's sensitivity and their general awareness of the existence of the need for fighting against undesirable occurrences of all forms of discrimination and intolerance.

1 There are no precise statistical analyses of the number of such applications. They are relatively frequent reproaches that the complainants usually lodged together with a report of other irregularities.

2 Division of areas of the Ombudsman's work is in accordance with article 51 of HROL, defined in article 11 of the Regulations of Human Rights Ombudsman.

3 On that matter see the Ombudsman's annual report for 1997, available at <http://www.varuh-rs.si/index.php?id=54>.

4 A more detailed presentation of the Ombudsman's findings can be seen at <http://www.varuh-rs.si/index.php?id=879#gradiva>.

5 A great deal of such warnings we receive especially from non-governmental organizations which put their efforts into abolishing discrimination based on sexual orientation.

6 The Ombudsman's viewpoint is available at [http://www.varuh-rs.si/index.php?id=106&tx_ttnews\[cat\]=0&2C4%2C5%2C16%2C17%2C18%2C19%2C21%2C22%2C23%2C24&tx_ttnews\[pS\]=1104534000&tx_ttnews\[pL\]=31535999&tx_ttnews\[arc\]=1&tx_ttnews\[tt_news\]=395&tx_ttnews\[backPid\]=857&cHash=f21ccaa26e](http://www.varuh-rs.si/index.php?id=106&tx_ttnews[cat]=0&2C4%2C5%2C16%2C17%2C18%2C19%2C21%2C22%2C23%2C24&tx_ttnews[pS]=1104534000&tx_ttnews[pL]=31535999&tx_ttnews[arc]=1&tx_ttnews[tt_news]=395&tx_ttnews[backPid]=857&cHash=f21ccaa26e).

7 The case is presented on the Ombudsman's website - [http://www.varuh-rs.si/index.php?id=106&tx_ttnews\[tt_news\]=1664&tx_ttnews\[backPid\]=48&cHash=bc3d3edb8](http://www.varuh-rs.si/index.php?id=106&tx_ttnews[tt_news]=1664&tx_ttnews[backPid]=48&cHash=bc3d3edb8).

8 Printed report on the Ombudsman's viewpoints is available at [http://www.varuh-rs.si/index.php?id=106&tx_ttnews\[pointer\]=2&tx_ttnews\[tt_news\]=1621&tx_ttnews\[backPid\]=48&cHash=5b3926808a](http://www.varuh-rs.si/index.php?id=106&tx_ttnews[pointer]=2&tx_ttnews[tt_news]=1621&tx_ttnews[backPid]=48&cHash=5b3926808a).

9 See http://www.varuh-rs.si/fileadmin/user_upload/pdf/bilten/bilten2004_3.pdf.

JUDGEMENTS AND RECOMMENDATIONS OF THE UN HUMAN RIGHTS AND RACIAL DISCRIMINATION COMMITTEES

In the past few years many processes started in the international community which have turned the tables concerning the shape of European politics and security, and these were the cause of important shifts in international relationships in the world. Due to the growing cultural diversity of modern society, new conflicts have emerged on the basis of ethnical and national demands for recognition and support for the preserving of cultural identity. Such movements represent a cry for a deeper understanding of the rights of minorities and the safekeeping of universally recognised human rights. The democratization that has occurred in the political systems, together with the promise of unquestionable civil rights and the establishment of the proper democratic mechanisms, which would preserve what was attained, is a gradual and long-lasting process. The speed at which it will unfold depends mostly on the stability of individual countries. Many regional conflicts occurring in Europe are factors of instability in economy and social development. Many minorities have come to be a source of disagreement and manipulation and, as a consequence, are detrimental to peace and safety. In most cases these conflicts are based on miscomprehension of the minority's demands. This is because of the traditional stereotypes that still remain, the influence of the media and inability of the minorities to demand that human rights be respected without hostility and regardless of nationalistic notions. As a result of this situation we need to find the right way to react to people's wishes regarding the search for identity. Thus it is important to keep a measure of objectivity as well as form institutions which contribute to such a process and give the right support to it.

Since 1945 a large number of international agreements on human rights have come into being, along with other instruments from the United Nations (UN). All other instruments dealing with regional problems have come into being at regional levels, with special emphasis given to the specific human rights requirements of that region. The Constitution, together with its legal system and the laws of every country, formally guard the fundamental human rights. In many countries the language used in the publicizing of human rights reflects the international instruments used, which springs from their commitment to make the signed international treaties true. Treaties and declarations force states to treat their citizens according to international law. The question of the relationship of the state to the rights of the individual, and the safety of those rights, still remains an open question of the law and politics that govern it. The

guarding of minorities is the main element in the democratic metamorphosis as well as in the stability and safety in Europe and in the world at large.

In most countries the constitution and the legal system lay down the equality of citizens in their rights and responsibilities and allow for them to be treated with equal fairness, both by a state and by any of its components, notwithstanding their nationality, religious belief, political and other beliefs or personal traits. An individual's rights and freedoms are an entitlement of every citizen of the state. Including members of minorities and ethnic groups. They make it possible to keep national identity alive. Due to the growing diversification of societies, ensuring identity in communication on equal grounds between groups with plural, diverse and dynamic cultures is of a vital importance. The policy of integration of all citizens is a condition for society's cohesion, for the vitality of civil society and peace.

Permanent peace as well as political and economic stability is of vital importance for Slovenia. Slovenia has sworn to encourage democracy and respect for human rights, to improve the relationships between ethnic groups, to safeguard minorities and to achieve closer-knit cooperation between religious groups not only on its territory but also in the whole territory of SE Europe. The foremost task of democracy and ensuring human rights are respected is stability among the varied ethnic communities and multiculturalism in this area, achieving democratic reforms and the freedom of speech and the press. Ensuring human rights are respected is the cornerstone of the Slovenian state and its independency. In the Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, from the 25th of June 1991, it is said that the Republic of Slovenia ensures the safekeeping of human rights and the fundamental freedoms of all persons on its territory regardless of their nationality, devoid of any kind of discrimination and in accordance with the Constitution of the Republic of Slovenia and under valid international treaties. All governmental (and non-governmental) institutions are obliged to respect human rights and the fundamental freedoms of individuals and groups as is set in the Constitution of the Republic of Slovenia and international documents, the stipulator of which is Slovenia.

THE MECHANISMS OF THE UNITED NATIONS AND THE CONCLUSIVE OBSERVATIONS OF THE RELEVANT COMMITTEES

The UN system in the field of enforcing and safekeeping human rights is comprised of two kinds of components: those established with the Founding Charter of the UN, the Human Rights Commission, and those established through international treaties on human rights. Most of these components are supported by the work of the High Commissioner for human rights.

There are seven components for human rights working under covenant, which control the implementation of the international human rights treaties. They are as follows: the Human Rights Committee (HRC), Committee on Economic, Social and Cultural Rights (CESCR), Committee on the Elimination of Racial Discrimination (CERD), Committee on the Elimination of Discrimination

Against Women (CEDAW), Committee Against Torture (CAT), Committee on the Rights of the Child (CRC) and Committee on Migrant Workers (CMW). In the following text two relevant Committees from the aforementioned list will be dealt with: the Human Rights Committee (HRC) and the Committee on the Elimination of Racial Discrimination.

1. THE HUMAN RIGHTS COMMITTEE

Human rights are generally understood as those rights which are inseparably connected to being human. The concept of human rights is based on the belief that every human being has a right to enjoy these rights without irrational discrimination regarding their race, colour, gender, language, religion, political belief, national and social origin, possessions, birth or any other mark of status. Human rights are legally governed under the international law on human rights that makes countries liable to ensure these rights are respected according to the international treaties which they acknowledged, or which comply with the norms of law relating to all countries.

The Committee is comprised of freelance experts who oversee the implementation of the International Covenant on Civil and Political Rights in the countries governed by the Covenant. The member countries are obliged to send a report directly following their accession, as well as when the Committee requires or rather every 4 years. On the basis of this report the Committee passes judgements and recommendations to the member state in the form of conclusive observations. It handles international as well as individual complaints about alleged breaches of the Covenant. The International Covenant on Civil and Political Rights was ratified in the General Assembly of the UN (Resolution 2200A (XXI), 16th of December 1966) and it entered into force on the 23rd of March, 1976. The Founding Charter of the UN defines human rights as the rights of an individual and this does not apply to the rights of communities or minorities as a whole. For this reason a UN Covenant on Civil and Political rights was established in 1966 which explicitly, though warily, refers to the rights of minorities. In Article 27 it is said: "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.", In accordance with the Founding Charter of the UN, the Covenant on Civil and Political rights recognizes equal and inalienable rights to all members of the human race, which is a foundation of freedom, decency and peace in the world. These rights originate from the natural right for human dignity. In accordance with the Universal Declaration of Human Rights it defines the ideals of human freedom and civil and political rights together with economic, social and cultural ones which can be accomplished only under conditions common to all. The Human Rights Committee put forth the following conclusive observations regarding the respect for the International Covenant on Civil and Political rights in Slovenia (1):

1. The Committee is concerned about the high rate of family violence that

is a result of a lack of governmental prevention programmes. Slovenia should pass and implement proper laws and policies of prevention against violence to women, especially in the family. The government should also create programmes for helping victims. Education and media campaigns are needed to increase public awareness. Measures for prevention and combat against exploitation and abuse of children also need to be taken, as well as increasing the public awareness of the rights of children. Further measures for prevention and campaigning against the trafficking of women and children as well as the prosecution of the perpetrators need to be adopted. It is necessary to ensure protection and shelters for victims, as well as obtain data on the perpetrators. Prevention programmes and rehabilitation of victims are necessary.

2. The Committee expressed concern at the low rate of women's involvement in public life. There is no adequate proportion of female representatives in the political and economical life of the state, especially as regards higher positions in the public service. Special legal and practical measures should be undertaken by the state for increasing the efficient involvement of women in public matters and in the political and economical sector.

3. The Committee warns against maltreatment by the government officials, superficial official investigations and inappropriate punishment of those officials responsible. As well as a lack of compensation for victims, there is also a lack of legal help for incarcerated people who cannot afford it. The state should pass certain measures for the prevention and punishment of all forms of official maltreatment, and should provide legal help to anyone who is incarcerated. The state should also provide impartial inquiries into reports on violations of human rights. Criminal proceedings should be ensured against officials guilty of such acts to punish them suitably for the crimes committed and to provide compensations for the victims. It is necessary to abolish court delays, provide the right to a fair trial to all, as well as carry out quicker legal proceedings for persons whose freedom has been taken away.

4. The Committee acknowledges the efforts made in regulating the residential status of people from the other republics of former Yugoslavia who are currently living in Slovenia. Slovenia has to find legal solutions for people with status problems and enable the acquisition of citizenship to those who apply for it.

5. The encouraging of intolerance and hostility in the public sector, which can be heard in the media, needs to be prevented.

6. The state should develop special methods for dealing with unaccompanied children without people to look after them, who find themselves on state territory. Decisions have to be made in their interest and, in the case of immigration, the right to citizenship should be provided for any child.

7. On the basis of the provisions of the Covenant the state should eliminate discrimination against the Roma minority and ensure their assimilation into public life and improve their living conditions as well as their worrying economical and social status and position. There is a need for a policy which will boost the socio-economical integration of the Roma, especially in the

field of employment, health and education. A proper law needs to be passed that would govern the status and special rights of the Roma community and in addition boost the involvement of Roma representatives in town councils in the municipalities they live in. It is becoming clearer that collaboration between the state components, the municipalities and the Roma people themselves is needed for the improvement of the Roma's status, for only in this way will the Roma community shake off their traditional backward image and come back from the fringes of society. Yet much needs to be done to increase the awareness of the whole population of Slovenia to accept the Roma people together with their diversity.

2. THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

By existing standards, the rights of minorities are considered under human rights. The foundation of all human rights is the right to free development of one's personality under conditions of equality. Society has to be open and flexible and it has to unite all people together while taking into account their individual and minority group rights, which are founded on the same basis - universally recognised human rights.

The Committee on the Elimination of Racial Discrimination is comprised of freelance experts who oversee the implementation of the International Convention on the Elimination of All forms of Racial Discrimination in all states that have signed the Covenant. Member states are obliged to send a report one year after their accession as well as on the Committee's demand, or rather every 2 years. On the basis of the report the Committee gives its statements and recommendations in the form of conclusive observations to the member state. If necessary, the Committee can also enforce further measures such as the system of early warning and the inspection of both international and individual complaints.

The International Convention on the Elimination of All Forms of Racial Discrimination was ratified at the General Assembly of the UN (Resolution 2106 (XX), on 21st December 1965) and it entered into force on 4th January 1969. In accordance with the Founding Charter of the UN and the Universal Declaration of Human Rights, it recognizes equal and inalienable human rights and fundamental freedoms to everyone regardless of race, gender, language or religion, colour of skin or nationality. It ensures equality under law, the right of being protected from any form of discrimination. Discrimination against people based on race, skin colour or nationality is an obstacle to friendly and peaceful relationships between nations. Furthermore it affects peace and safety. The first Article of the Convention defines racial discrimination, which means any form of distinction, exclusion or prioritising based on race, colour of skin, origin and national or ethnical affiliation and it affects the recognition, enjoyment and implementation of human rights and fundamental freedoms in political, economical, cultural or any other field of public life. The Committee on the Elimination of Racial Discrimination has passed the following conclusive observations concerning respect of the International Convention on Elimination of Any Form of Racial Discrimination in Slovenia (2):

1. Slovenia uses various definitions of ethnical and national minorities as well as of “autochthonous” and “non-autochthonous” communities and these, in effect, represent a potentially discriminatory effect. The Committee requests from the state the preparation of detailed information on legalistic terminology used to define or describe various minorities and their status.
2. Slovenia has not produced enough data on the implementation of the Convention. Further information needs to be gathered, together with statistical data on the extent of the integration of minorities into society. Data is also needed on the demographical structure of the population of the Republic of Slovenia.
3. In the Constitution of the RS it is ensured that the Italian and Hungarian minorities participate in Parliament. However the participation of other minorities has not yet been tackled. The Committee recommends that further steps are taken for ensuring participation in Parliament for all the minority groups.
4. Slovenia encourages cultural diversity and encourages equal conditions for the Roma population and their inclusion in the decision making process. The Committee is concerned however at the discriminatory relationship, and the distinguishing between the “autochthonous” and “non-autochthonous” Roma people, which can quickly lead to discrimination. Prevention of discrimination is needed by introducing an active strategy, especially in the fields of accommodation, employment and attitude of the police.
5. Slovenia is flexible in the matter of the education of the Roma children. However, the Committee is concerned about the practice of educating certain Roma children in professional centres for adults and others in special classes. The state is encouraging the integration of Roma children in the mainstream of the school system.
6. The Committee issues a request for the obtaining of information on procedures concerning racially motivated offences and criminal acts to reveal if they get investigated and the results of administrative or judicial proceedings.
7. The Committee encourages the solving of the long-lasting problem of people living in Slovenia who have not been able to acquire citizenship. Those people without citizenship are faced with administrative problems and the inability to meet legal requirements. The recommendation of the Committee is that the new state legislation should be of a non-discriminatory character.
8. The Committee is concerned about the large number of people living in Slovenia without citizenship since its independence, and hence are deprived of, for example, pensions, accommodation, health care and other rights. Slovenia should issue information on the tackling of this question and getting compensations in the next periodic report.
9. Slovenia should, by integrating the Convention within its legal system, acknowledge the important parts of Declaration ratified in Durban (The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance 2001) together with the proposal of the conference.
10. The Committee recommends publicly publishing the state report and the

recommendations of the Committee together with the related text of the Convention. Almost every country has one or more minority communities on their state territory who are different, in their ethnical, linguistic or religious identity, from the majority of the population. Supposedly 10 to 20 percent of world's population belongs to minorities, although there are no statistical data. That represents between 600 million and 1.2 billion people, who are in need of special measures to be taken for the protection of their rights. It is a fact that minorities are amidst the most neglected strata of society. Their people are often subject to discrimination and injustice as well as exclusion from both public and political life. Until recently the right of protection for minorities did not get the same attention by the UN as other rights. Self-interest and other dilemmas involving minorities have strengthened, along with the escalation of ethnical, religious and racial conflicts, and these mostly ended in the violation of the rights of the minority. Nowadays the rights of minorities get violated in many parts of the world. The minorities themselves are looking for recognition of their own existence with the governments. They wish to protect their identity, to speak their mother tongue, practice their own religious belief, enjoy their own culture and establish their own institutions. They wish to take part in public and political life and to have influence on the workings of their community.

National minorities still represent one of the most conflicting questions in international relationships, for the question has a direct bearing on notions such as national unity, sovereignty and the territorial integrity of the state. The international community, at least in Europe, has at last developed a relatively coherent strategy for handling this problem. Respect for the community's identity and harmonious relationships between the minority and the majority populations are upheld as a value in every society. Progress is furthered by the realization of a minority's tendencies and by ensuring their rights as well as the recognizing their dignity together with the equality of each and every individual. This contributes to the alleviation of tensions within the state as well as between states. In the world Slovenia is held up as a democratic, legal state in which a multi-partied parliamentary political system is in force and in which fundamental human rights and freedoms are ensured. On the basis of the full consensus of the whole Slovenian nation, together with members of the Italian and Hungarian minorities and all the other inhabitants of Slovenia, notwithstanding the ideological, political, principle, religious and other differences, it managed to reach independence as the Republic of Slovenia without severe shocks or any great sacrifices. Rightfully, all these people take the Republic of Slovenia for their country and expect it to preserve their rights, equality, peace, prosperity and respect. The decision of what deserves the most attention and which measures will most effectively protect the people whose rights are being violated is not an easy one to make. It is easy to insist that something must be done, but to explicitly name what, when and how to go about it is a far harder nut to crack.

1 CCPR/CO/84/SVN/ 25 July 2005 (Considered the second periodic report of Slovenia: CCPR/C/SVN/2004/2/ 13 September 2004 at its meeting CCPR/C/SR.2288 and 2289/14 and 15 July 2005.

2 CERD/62/CO/9/2 June 2003 (Considered periodic report of Slovenia: CERD/C/398/Add.1/6 July 2001).

THE COUNCIL OF EUROPE'S STAND ON THE IMPLEMENTATION OF THE CONVENTION'S PROVISIONS IN THE REPUBLIC OF SLOVENIA

The Framework Convention for the protection of National Minorities is the sole and first legally binding multilateral international legal document regulating the status and rights of national minorities. This realisation is not made less significant by the fact that the Convention does not define the term minority and that many of its provisions are formulated in terms of programmes, which basically means that national administrative and governmental bodies cannot apply the provisions of the Convention directly although Article 8 of the Slovenian Constitution provides that ratified and published international contracts are to be applied directly. The stated article also provides that acts and other regulations should comply with universally valid principles of international law and international contracts binding Slovenia. Article 2 of the Framework Convention provides that the provisions of the Framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and cooperation between states. It follows from the above that signatories of the Convention are obliged to guarantee the status and rights of national minorities in their national legislation.

The Republic of Slovenia signed the Framework Convention for the Protection of National Minorities on 1 February 1995, ratified it on 25 March 1998, and the Convention entered into force 1 July 1998. The first report to the Council of Europe on legal and other measures adopted by the contracting states for the implementation of the principles of the Convention was due one year following its entry into force. Slovenia submitted its first report on 29 November 2002 after which a delegation of the Advisory Committee, in accordance with established practice, made its country visit to Slovenia from 10 to 14 January 2002. The Advisory Committee's assessment of Slovenia's first report was adopted on 12 September 2002 but was not published by Slovenia until 14 March 2005. After the Advisory Committee assesses a signing state's report, their governments may put forward their comments, after which a resolution of the Committee of Ministers of the Council of Europe is passed.

The Committee of Ministers did not pass the resolution on Slovenia's first report until 28 September 2005 which is, in view of the established practice of the Council of Europe, extremely late. This was caused by blocking the resolution, first on the part of Greece because the report mentioned the Macedonian minority, and later by Italy out of procedural reasons. This delay

is one of the reasons why no follow-up seminar took place in Slovenia, which is an established and valuable means of monitoring the implementation of recommendations and proposals made in the resolutions of the Committee of Ministers and the assessments of the Advisory Committee. In order to examine the comments, particularly critical ones, and remedy observed shortcomings, it is vital for Slovenia to prepare such a follow-up seminar in cooperation with minority representatives and interested civil society.

The second report of the signatory states must be submitted, in compliance with Paragraph 2 of Article 26 of the Convention, in relation to Item 21 of the Resolution of the Committee of Ministers of CE (97) 10, in 5 years' time following the submission date for the last report. Slovenia submitted the second report on implementing the principles of the framework Convention for the protection of National Minorities on 6 July 2004, after which the Advisory Committee delegation visited Slovenia from 4 to 8 April, 2005. The Advisory Committee's assessment of the Slovenian report was adopted at the plenary session of the Committee on 26 May 2005. The Committee of Ministers has not considered this assessment yet and it has not been published yet.

As mentioned before, the Framework Convention gives no definition of national minority. Some provisions of the Convention, however, to some extent outline the concept of national minority. For instance Paragraph 2 of Article 6 refers to persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity. This absence of definition was also referred to in the statement made by the Government of the Republic of Slovenia at the ratification of the Convention. The exact statement was: "The Framework Convention does not contain a definition of the concept of national minority and leaves it to the signatory states to determine which groups to treat as national minorities. According to the constitution and internal legislation of the RS the provisions of the Framework Convention shall also be applied to members of the Roma community of Slovenia."

Similar statements were made by several signatories and some listed the national minorities, which the Convention's provisions would apply to, in their reports. When the Advisory Committee commenced work an exhaustive professional debate about these statements took place also drawing in internationally renowned foreign experts. The subject of these debates was whether according to international contractual law these statements could be considered as reservations or merely declarations. The prevailing pragmatic standpoint was they should be treated as declarations. The consequence of such treatment is the position (explained in detail below) the Advisory Committee took on the treatment of national minorities which the provisions of the Conventions will not be applied to by the contracting states, in light of their declarations, on an article-by-article basis, after consulting those affected.

The scope of this document does not allow a more detailed analysis or explanation of the Advisory Committee's methods of work. We will mention

mostly some of the most important critical findings of the Advisory Committee's assessments, albeit they also contain many positive findings. The resolution of the Committee of Ministers sums up the content of the Advisory Committee's findings which makes its detailed consideration unnecessary. The Committee of Ministers appeals to Slovenia to continue its dialogue with the Advisory Committee and make regular reports on measures taken in response to the resolution's findings and recommendations.

With regard to the implementation of the Framework Convention the Advisory Committee finds that Slovenia has made commendable progress in relation to the Hungarian minority, especially in the fields of education and participation in public matters, and regarding the Italian minority in the fields of public media and participation in public matters, but at the same time observes that much endeavour is still required for complete fulfilment of Convention principles. Regarding the Hungarian nationality, the need for a longer radio and TV programme was stressed, and regarding the Italian nationality, the need for training suitable staff in the educational system. In relation to the Act on RTV, which had not yet been passed at the time, some reservations were expressed about the effect of planned changes on the minorities' status. Shortcomings affecting both minorities were underlined regarding actual implementation of legal provisions in dealing with administrative bodies.

The problem of inconsistent implementation of legal provisions in practice was also stressed in the examination of individual articles and will receive even greater scrutiny in the Advisory Committee's second assessment.

There is much criticism on account of the Rom community status. Special mention is made of their problems in housing, employment due to great socio-economic disparities, and instances of discrimination. The need to provide equal opportunities in education was also stressed. The assessment explicitly speaks of segregation of Roma children in the school system. The Advisory Committee appeals to the Slovenian authorities to continue their efforts in acquainting the public with the Convention and all related provisions. Representatives of minorities and civil society have been insufficiently informed about the findings of the first monitoring cycle, which surely hinders consistent implementation of the Convention's provisions.

Article 1 of the Framework Convention (on the protection of national minorities as an integral part of its international protection), Article 2 (on applying the provisions of the Convention in good faith), Article 7 (on the right of national minorities to assembly and association), Article 8 (on the right to manifest religion or belief), Article 11 (the use of names and public signs in the minority language), Article 16 (on measures which alter the proportions of the population), Article 17 (on the right to contacts across frontiers) and Article 19 (on possible limitations of the implementation of the Convention's principles) received no special comment from the advisory Committee.

The field and extent of exercising the rights and freedoms under the Framework Convention was examined by the Advisory Committee in its comments on Article 3. The assessment of the Slovenian report here deals

with Slovenia's statement made at the ratification of the Convention. The Advisory Committee stresses that while signatories may determine the situation in their own countries themselves, since no definition of national minority was provided, they must do so in accordance with universal principles of international law and basic principles of the Convention without causing self-willed and unjustified discrimination. Comments under this article among other things deal specifically with the unequal status of the Roma. The Advisory Committee observes that the act on status and special rights in Article 65 of the Slovenian Constitution has not been passed yet, and is particularly critical of the discrimination of autochthonous and non-autochthonous Roma, which has no constitutional grounds. The status of non-Slovenians from former Yugoslav republics was also examined, especially the status of the so-called erased. With regard to non-Slovenians from former Yugoslavia the Advisory Committee calls upon the Slovenian Government to adopt a more inclusive approach and meet their needs more fully. Mention was made of the German speaking minority whose needs, particularly in the field of education and culture, have not, in the opinion of the Advisory Committee, been observed sufficiently in spite of a bilateral agreement with Austria.

The result of the pragmatic view on the statements of some signatories mentioned in the introduction is partly evident from the above stated, but what is surely most important is the already mentioned opinion of the Advisory Committee on the possible inclusion of these groups in the implementation of the Convention on an article-by-article basis after consulting those affected. In relation to Article 4 of the Framework Convention on the equality of national minorities before the law and equal protection of the law, it was found that in spite of numerous legal regulations in this field against discrimination, especially the civil and administrative legislation could broaden its legal framework with specific provisions in the field of housing, employment and service access. The positive action of the Human Rights Ombudsman received special attention and it was proposed that public information about his activities should be in minority languages. Also stressed were the socio-economic discrepancies between the Roma and the rest of the population, the differences between the Roma in the Pomurje and Dolenjska regions, and other difficulties faced by the Roma since Slovenia's independence.

Regarding the field of culture dealt by Article 5 emphasis was given to the importance of adequate resources for the minorities' cultural activities and the unequal treatment of the Roma society in funding their cultural activities.

In its comments on Article 6 on tolerance the Advisory Committee finds that members of Hungarian and Italian minorities live in harmony with the majority population whereas the position of the Roma and some other national communities is less favourable. It highlights the Roma, hostility and intolerance to the German speaking minority and the attitude to non-Slovenians from former Yugoslavia. Possible solutions to the problems were outlined, with particular stress on the role of the media, which could make a

big contribution in improving the situation by encouraging cultural tolerance. One of the basic conditions for ensuring tolerance is familiarity with and respect for the culture of other communities which is exactly what makes the role of the media, obviously at the same time respecting editorial freedom within the bounds of journalistic ethics, extremely important. The Advisory Committee greets the activities of the Ministry of Culture which provides funding for cultural and other activities of various groups and calls for even greater support which can significantly encourage cultural dialogue. It particularly stresses the necessity of preventing instances of discrimination and xenophobia, among others in politics, especially at higher levels, and to promote respect for variety and multiculturalism through new approaches.

In its comments under Article 9 on public media the Advisory Committee greets the support given by the RS to various printed media and newspapers of the Hungarian and Italian minorities and the publication of a bilingual magazine for the Roma. It also greets the excellent position of the Italian minority regarding its RTV programme and the launch of a Roma radio and television broadcast and recommends improving conditions for the Hungarian television programme.

In the opinion of the Advisory Committee the legal framework concerning the usage of the Hungarian and Italian minority languages in private and public life, treated in Article 10 of the Framework Convention, is suitable. However, the implementation of legal provisions in practice is in many cases inadequate and the Advisory Committee recommends solving the existing problems in agreement with the minorities.

In the field of education the comments concerning Article 12 highlight a lack of suitable textbooks for the Hungarian minority and deficient training of necessary human resources for schools teaching in Italian. The Advisory Committee expresses deep concern regarding the position of Roma children in education, especially their schooling in special schools, and finds the situation inconsistent with the Framework Convention.

Article 14 of the Framework Convention ensures the right to learn one's minority language. The Advisory Committee commented particularly on the possibility for learning the Roma language.

The scope of this document allows the examination of just a few of the most important parts of the Advisory Committee's assessments and is therefore far from complete. Nevertheless, if it has in some small measure contributed to a broader understanding of the subject discussed, its purpose has been achieved.

RELEVANT PARTS OF THE FOLLOW-UP REPORT OF THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS ON SLOVENIA (2003–2005)

1. MINORITY PROTECTION
2. SITUATION OF ROMA
3. NON-DISCRIMINATION
4. SITUATION OF PERSONS ERASED FROM THE LIST OF PERMANENT RESIDENTS
5. PLACEMENT OF PERSONS IN THE CENTRES FOR FOREIGNERS
6. SITUATION OF ASYLUM-SEEKERS AND REFUGEES*

INTRODUCTION

The Commissioner for Human Rights visited Slovenia in May 2003 on the invitation of the Government. The Commissioner would like to reiterate his gratitude to the Government of Slovenia for their co-operation at the time of the visit and, again, on the occasion of the follow-up visit conducted by members of his Office (1) from 17 to 20 May 2005. In his first report (2), the Commissioner identified a number of concerns regarding law and practice in Slovenia with respect to human rights and made recommendations in order to assist the Slovenian authorities in their pursuit of remedying the shortcomings.

The purpose of this follow-up report is to examine the manner in which the Slovenian authorities have implemented the recommendations made by the Commissioner in 2003. The report follows the order of the main recommendations and does not as a matter of principle aim to address any issues other than those included in the recommendations of the first report.

The report is based on information gathered during the follow-up visit (3), written submissions from the Slovenian authorities (4), reports by human rights experts, local and international non-governmental organisations and inter-governmental organisations and other public sources.

The members of the Commissioner's Office would like to express their gratitude for the assistance and openness of all with whom they met during the course of their visit.

1. MINORITY PROTECTION

In his report, the Commissioner recommended that the regime of minority protection be strengthened, notably by reassessing the concepts of autochthonous (“indigenous”) and non-autochthonous (“new”) (5) minorities and by making the Framework Convention for the Protection of National Minorities applicable to groups of persons originating from other parts of the former Yugoslavia.

The Commissioner considered it important that the Slovenian government take measures to remedy the existing differences in the level of protection provided for the Roma on the basis of whether they are autochthonous or non-autochthonous, as these notions are not legally defined. He expressed his concern that the use of these notions raises legal and practical uncertainties and carries a risk of arbitrary exclusion, as even a person, who is a citizen of Slovenia and whose family has long roots in Slovenia, is not necessarily considered autochthonous.

As regards persons originating from other parts of the former Yugoslavia, the Commissioner noted with concern the fact that they remain unrecognised as minorities in Slovenia, which poses significant obstacles to the preservation of their language, religion, culture and identity.

THE DEVELOPMENT OF THE SITUATION AND MEASURES TAKEN

During the follow-up visit, the authorities informed the Commissioner’s office that there were no foreseeable plans to change the current regime of minority protection. This position is also clear from a report, which the Slovenian government submitted to the Council of Europe on 2 July 2004, pursuant to Article 25 of the Council of Europe Framework Convention for the Protection of National Minorities (6). The report provides detailed information about the constitutional and legislative framework in place for the protection of minorities in Slovenia and indicates a number of measures that have been taken to implement the Framework Convention. It does not, however, provide much information about the real situation of the minorities and the impact of the measures taken.

Since the situation of minorities in Slovenia is currently under comprehensive review by a specialized Council of Europe monitoring body, this report will not try to cover all the aspects of minority protection. Some issues, however, such as the situation of Roma, were focused on during the follow-up visit and will be discussed in more detail.

As regards the legal status of the Roma (7), there have been no changes since the Commissioner’s report. According to the Constitution, the Roma are considered an ethnic community, not a national minority, and do not

enjoy the same level of minority protection as the Hungarian and the Italian national communities, although the Roma are included in the application of the Framework Convention for the Protection of National Minorities. The difference in the level of protection afforded on the basis of whether Roma are considered autochthonous or non-autochthonous continues to be applied.

On the basis of Article 65 of the Constitution, regulations relating to the status and rights of Roma have been introduced to a number of laws, but there is still no specific law devoted to the rights of the Roma as required by the Constitution. There is an ongoing discussion as to the possible enactment of such a law in Slovenia and a draft is currently being prepared by the government.

There remain many Roma in Slovenia, who have not been able to become Slovenian citizens, notwithstanding real factual ties to Slovenia, in many cases dating prior to the independence. They are precluded from accessing a number of social and economic rights as a result. Some of these Roma were among the 18,305 victims of the 1992 erasure (8).

CONCLUSIONS

The Commissioner regrets the reluctance on the part of the Slovenian Government to strengthen the regime of minority protection and encourages the Slovenian authorities to engage in a constructive dialogue with all minority groups regarding the measures that are necessary to improve the situation of all minorities in Slovenia.

The Commissioner is concerned about the discriminatory impact of the application of the terms autochthonous and non-autochthonous on the enjoyment of rights by Roma and urges the Slovenian government to abolish the use of such notions (9). The Commissioner encourages the authorities to continue the consultations that are currently underway relating to the enactment of the specific law devoted to the rights of the Roma.

The Commissioner urges the authorities to do their utmost to actively assist those Roma, who, while being entitled to it, are still without citizenship.

2. SITUATION OF ROMA

In his report, the Commissioner recommended that the Slovenian authorities take measures to ensure the effective implementation of the national programmes for the improvement of the situation of Roma at a local level, and to ensure that all Roma children have access to education on a par with other children.

development of the situation and measures taken

2.1 EDUCATION

In June 2004, a new Strategy of Education of Roma in the Republic of Slovenia (“the Strategy”) was adopted (10). One of the main aims of the new Strategy is to achieve the integration of Roma in education at all levels ranging from pre-school to adult education. The Strategy proposes various measures to achieve full integration. These measures include early integration of Roma children in pre-schools in order to help them learn Slovenian; additional support to classes with Roma children; the introduction of Roma assistants; the introduction of Roma language as an optional subject and the inclusion of Roma culture and history in the curriculum. Indeed the practical measures foreseen generally reflect the policy directives included in the Committee of Ministers’ Recommendation on the education of Roma/Gypsy children in Europe (11).

Since the 2003/2004 school year, the creation of separate classes for Romany children has not been permitted. All the Roma children should now attend regular classes at all levels of instruction. According to the information received by the Commissioner’s office, the new instruction appears to be generally well implemented. However, during the time of the visit, segregation still continued in some form in at least two schools. The authorities themselves acknowledged that full integration had not yet been achieved and cited the situation at the elementary school of Brsljin in Novo Mesto as an example of a failed attempt to integrate Roma children due to the lack of adequate preparation.

In April 2005, the parents of some non-Roma children at Brsljin elementary school had started a school boycott. They requested that the 86 Roma pupils of the Brsljin elementary school be dispersed evenly across the schools in the Novo Mesto municipality. In the absence of an agreement, the Minister of Education proposed a solution, which continued the segregation of Roma pupils. This then led to a boycott by the Roma. The decision of the Ministry was later modified and according to the education authorities, a number of measures have since been taken to find a solution. One of them was the introduction, from the first year onwards, of ability-based streaming for certain subjects. This measure, which runs counter to the standard practise of streaming only after the third year, has resulted in a de facto segregation. Additional professional support and Roma assistants have, however, been made available to the school according to the education authorities.

During the follow-up visit, the members of the Commissioner’s office visited the municipality of Novo Mesto and the Brsljin elementary school to assess the situation first hand and to understand the viewpoints and concerns of all parties. The parents of non-Roma pupils explained that their main concern was the declining standard of education in the school, which according to them, was due to the high number of Roma pupils in the class rooms, especially in the lower

grades. According to them, the Roma children, who often have difficulties with the Slovenian language, require much of the time and attention of the teachers.

The members of the Commissioner's office also visited the Roma settlement in the vicinity of the Brsljin elementary school and spoke with some of the parents and local Roma representatives there. Concerns were expressed about the low standard of the pre-school within the settlement

After the follow-up visit, the Commissioner received further information (12) from experts on education in Slovenia, who expressed their concerns about the implementation model in use in the Brsljin Elementary school. The experts had appealed to the Ministry of Education and Sports to find an effective solution in accordance with professional and legal standards. According to their information, the Roma in Brsljin are taught in separate classes for half of the lessons, at least in the lower grades of the elementary school. The subjects that are taught separately - in the study groups - are Slovenian language, mathematics and learning about the environment. Although the criteria for separating the children are formally based on knowledge, and not on ethnicity, this is said to affect primarily the Roma children due to their lack of sufficient Slovenian language skills.

CONCLUSIONS

The Commissioner welcomes the adoption of the new Strategy of Education of Roma in the Republic of Slovenia and the new measures implemented from the beginning of 2003/2004 school year, which aim at full integration of Roma in the mainstream education. It is regrettable, however, that the new measures have not yet been fully implemented in all the schools. The new Strategy, at present only a concept paper, should be developed into an operational Action Plan as soon as possible with sufficient resources to ensure its effective implementation.

Regarding the model implemented in Brsljin elementary school, the Commissioner's view is that the separation of Roma children from the others in important subjects does not fulfil the criteria of full integration. It also increases the risk of Roma children being taught at a lower standard than the others, which could have serious consequences for the Roma children and their prospects for the future. It is of concern that the model currently implemented in Brsljin represents a step back from the already achieved levels of integration and falls short of the impressive ambitions contained in the national strategy.

The Commissioner recommends that the authorities revise the implementation model adopted in Brsljin and ensure full integration of Roma children in the normal classroom for all the subjects. The model should be revised in consultation with experts on education and Roma representatives. Additional support should be made available to the school, teachers and the Roma pupils and their families.

2.2 employment AND HOUSING

In recent years the Slovenian authorities have paid increasing attention to the situation of Roma and several programmes to improve the situation of Roma have been put in place. Despite these efforts, the Roma in Slovenia continue to face discrimination and exclusion and serious problems remain in the field of employment and housing, in addition to the educational difficulties already examined.

The housing conditions of many of the Roma continue to be unsatisfactory with many Roma living in isolated, often illegal settlements, far away from services and other communities, as the members of the Commissioner's Office were able to observe when visiting Novo Mesto. The unemployment rates in many Roma settlements are well above 90 % (13). This can be partially explained by the fact that many Roma lack sufficient level of education and skills required, but it is also due to discrimination of Roma in the society in general. The legal and practical obstacles resulting from lack of citizenship prevent some Roma from accessing employment or social services.

During the visit, the representatives of the Ministry of Labour, Family and Social Affairs provided information about measures taken to address some of the underlying problems causing unemployment. An Action Programme for employment of Roma 2003-2006 has been adopted and includes the following measures: the inclusion of young unemployed Roma in primary and vocational schools; the inclusion of adult Roma in programmes of subsidised jobs; job creation through public works and the employment of Roma advisers at employment service offices. Roma assistants have also been employed in some regions to assist in communicating with Roma and to increase the confidence of Roma in public services. A group of 25 young Roma, all of whom have completed their secondary education, has been trained and employed as Roma tutors/mentors. A new National Action Programme for Employment and Social Inclusion of Roma will be drawn up during the course of 2006.

The authorities drew the attention of the Office of the Commissioner to the National Action Plan on Social Inclusion for 2004-2006 (NAP), which has been drafted under the auspices of the European Commission (14). In this framework, a National Action Programme for Employment and Social Inclusion of Roma is being drawn up. The NAP includes a range of measures to improve the social inclusion and employment prospects of Roma and indicates financial means for the implementation of the measures. The NAP also sets objectives to include Roma in education and to tackle the problem of Roma settlements by legalising them and providing for the appropriate infrastructure.

CONCLUSIONS

The Commissioner welcomes the efforts made by the employment services in assisting Roma in gaining employment and accessing public services and

recommends that these types of projects are implemented in all the regions where Roma reside, regardless of their status.

The Commissioner notes the efforts that have been made in developing the National Action Plan on Social Inclusion for 2004-2006 and the fact that a new National Action Programme for Employment and Social Inclusion of Roma, which is being drawn up. The projects improving the situation of Roma in different fields, be it housing, employment, or education, should be given a high priority in the allocation of financial resources, as they remain one of the most disadvantaged groups in Slovenian society. It will be important to involve Roma communities in all stages of the cycle, from planning and implementing, to monitoring the impact of the program, also at a local level.

The Commissioner regrets that only piece-meal progress appears to have been made in addressing the housing difficulties faced by many Roma. Information on concrete projects, or results so far, do not seem to be available. The Commissioner is aware of the funding possibilities offered to solve the Roma housing problems under the Housing Fund of the Republic of Slovenia (15).

The Commissioner urges the Slovenian authorities to pay particular attention to the local level implementation of the strategy of the Housing Fund of the Republic of Slovenia and to ensure that housing improvement programmes are adequately resourced. For the most marginalised groups greater efforts and specific programs are needed to secure their right to adequate housing. The recent Recommendation by the Committee of Ministers of Council of Europe on improving the housing conditions of Roma and Travellers in Europe, provides useful and detailed policy guidance (16).

3. NON-DISCRIMINATION

In his report, the Commissioner recommended that the authorities step up efforts to combat discrimination, notably by strengthening anti-discrimination legislation, ratifying Protocol 12 to the European Convention on Human Rights and ensuring the full transposition of the EU equality directives into domestic legislation.

DEVELOPMENT OF THE SITUATION AND MEASURES TAKEN

A number of measures have been taken to further strengthen the legislative and institutional framework for combating discrimination. The Act on Implementation of the Principle of Equality Treatment, aimed at transposing one of the two major EU anti-discrimination directives (17), was adopted in May 2004. It covers equal treatment in every field of social life, including access to and supply of goods and services and bans direct or indirect discrimination.

As required by the Directive 2000/43/EC, two new bodies to combat discrimination were established by the Act: the Council of the Government for the Implementation of the Principle of Equal Treatment and the Advocate for the Principle of Equality, a body mandated to deal with individual complaints. A special Unit to deal with complaints of discrimination was also recently created within the office of the Human Rights Ombudsman, with additional funding and posts approved by the National Assembly.

In his report, the Commissioner highlighted two specific issues relating to discrimination. The building of a Mosque in Ljubljana continues to be stalled despite the efforts of the Slovenian Muslim community for over 30 years and the favourable attitude of the Mayor of Ljubljana. As a result, the Muslim community in Slovenia is deprived of a formal place of worship. At the time of the follow-up visit in May 2005, the issue had moved to the local courts as the owners of the neighbouring properties of the future building site had withheld their consent on the demarcation plans for the site.

The other issue raised was discrimination on the basis of sexual orientation and lack of equal rights of same-sex couples in legal and social respects. In this context, the Commissioner also expressed his concern about homophobic statements that were frequently published in the media.

On 22 June 2005, the Law on Registered Same-Sex Partnership was adopted by the Slovenian National Assembly. The law regulates property and inheritance rights and provides for the right and obligation to support the socially weaker partner. It does not, however, grant equal rights, in comparison with married couples, in the area of social security, including social and health insurance and pension rights.

According to the information available in the media, homophobic and intolerant statements were made by some politicians during the hearings in the National Assembly. Some of the statements included personal and highly insulting remarks made to parliamentarians in favour of further amendments to the law.

CONCLUSIONS

The Commissioner welcomes the legislative and institutional developments made in combating discrimination and recommends that adequate resources be made available to the Advocate for the Principle of Equality. The Commissioner welcomes the Ombudsman's strengthened focus and new resources allocated to combating discrimination.

The Commissioner regrets that the building of the Mosque in Ljubljana continues to be held up. The Commissioner urges the authorities to work together to find a solution to this long standing problem. It is to be hoped that the various legal and political obstacles so far employed to prevent the building of the mosque, will rapidly give way to a consensus, recognising the rights of the Muslim community to effectively practise their religion.

The Commissioner welcomes the enactment of the Law on Registered Same-Sex Partnership, but regrets that it does not guarantee full equality for sexual

minorities in the area of social security, in respect of which the law falls behind increasingly common legal standards in many EU countries and the general principle of non-discrimination. The homophobic and intolerant public statements made by some politicians during the discussions about the draft law in the Parliament cannot fail to be of concern.

Finally, the Commissioner encourages the Slovenian authorities to take steps towards the ratification of Protocol 12 to the European Convention on Human Rights relating to non-discrimination.

4. SITUATION OF PERSONS ERASED FROM THE LIST OF PERMANENT RESIDENTS

In his report, the Commissioner recommended that the situation of those persons erased from the list of permanent residents be regularised without delay in the manner prescribed by the Constitutional Court.

At the time of Slovenia's independence on 23 December 1990, approximately 200,000 people originating from other parts of the former Yugoslavia were permanently residing in Slovenia. Approximately 170,000 people obtained citizenship on the basis of laws, which sought to regulate their status in the new State by giving them the right to apply for Slovenian citizenship within six months. Of the remaining 30,000, about 11,000 left Slovenia, 18,305 did not apply for citizenship within the prescribed time for a number of reasons, or their application was rejected, and were removed, *ex officio*, from the register of permanent residents on 26 February 1992.

As a result, these persons, many of whom had been living in Slovenia for decades, became foreigners in Slovenia and lost the rights attached to a permanent residence status, many without being aware of it. Many were deprived of their pensions, apartments, access to health care and other social rights as a result of the erasure. Their personal documents, such as identity cards, passports and drivers' licenses, were often annulled. A law adopted in 1999 was intended to enable at least some of the erased to reclaim residency.

DEVELOPMENT OF THE SITUATION AND MEASURES TAKEN

The issue of erased persons continues to be a divisive and politically charged issue in Slovenia and is the subject of heated debate. Regrettably, the issue has been frequently used by some political factions as a campaign tool. Especially during the period leading to the October 2004 general elections, many politicians made xenophobic statements when referring to the issue of the erased persons and to others considered non-Slovene or otherwise different (18).

In a ruling of April 2003 (19), the Constitutional Court declared the 1999 law aimed at remedying the situation of the erased persons (20) to be unconstitutional. The Court ordered that those who had already acquired permanent residency on the basis of the law, be granted permanent residence permits retroactively for the period from 26 February 1992 to the date if its

formal acquisition. It also ordered the legislator to amend the law within six months to determine a new time limit for possible new applications for permanent residence permits.

The Constitutional Court decision imposed a duty on the Ministry of Interior to issue supplementary decisions giving retroactive effect to the residence permits to all those citizens of other former Yugoslav Republics, who were, on 26 February 1992, removed from the register of permanent residents, but who had since acquired a permit for permanent residence. The Constitutional Court's position was made clear in a further decision issued in December 2003 (21) stating that the decision of April 2003 could be considered as sufficient legal basis for issuing decisions on permanent residence with retroactive effect, without there being any need for specific legislation. Following the Constitutional Court's decisions, the Ministry of Interior, after some delay, started issuing permanent residence decrees with retroactive validity. Approximately 4,100 such decrees have since been issued, but at the time of the follow-up visit, it appeared that the issuance of decisions was suspended. According to the information received from the Association of Erased, out of the 18,305 erased persons, some 12,000 have over time either obtained citizenship or received a permanent residence permit. All of these 12,000 persons, according to the 2003 decision of the Constitutional Court, should have had their permanent residence status recognised with retroactive effect.

Regarding the enactment of the law required to regulate the status of those erased persons who had been expelled from or had left Slovenia, the issue is still unresolved. There has been an ongoing and heated discussion regarding this issue, which - quite apart from what the criteria for legitimate absence from Slovenia and the situation of the expelled should be - has focused also on whether the law should be enacted in the normal legislative process or adopted as a constitutional act.

CONCLUSIONS

The Commissioner urges the Ministry of Interior to immediately continue and finalise the issuance of supplementary decisions giving retroactive effect to the permanent residence permit of all those persons, who are entitled to it. As regards the enactment of the law regulating and reinstating the status of the remaining erased persons, the Commissioner urges the Slovenian government to definitely resolve the issue in good faith and in accordance with the decisions of the Constitutional Court. Whatever the appropriate legislative solution maybe, the current impasse reflects poorly on the respect for the rule of law and the Constitutional Court's judgements in Slovenia.

The Commissioner is extremely concerned about the continuous public manifestations of hate speech and intolerance by some politicians. The Commissioner calls for greater responsibility of politicians and media in this regard and for the full respect of the rights and values laid down in European Convention on Human Rights and other international instruments.

5. PLACEMENT OF PERSONS IN THE CENTRES FOR FOREIGNERS

In his report, the Commissioner recommended that the Slovenian authorities ensure speedy court involvement in decisions relating to the placement of persons in the centres for foreigners.

DEVELOPMENT OF THE SITUATION AND MEASURES TAKEN

According to the information received from the Human Rights Ombudsman, the legal procedures remain the same as before. The decision on the placement is taken by the police and the person concerned may file a complaint with the Ministry of Interior against the decision. Only thereafter may proceedings be initiated at the Administrative Court and ultimately the Supreme Court.

CONCLUSIONS

The Commissioner encourages the Slovenian authorities to review the procedures for retaining foreigners prior to expulsion so as to enable appeals to be promptly lodged before the Administrative Courts, without having to pass through a prior administrative appeal before the Ministry of Interior.

6. SITUATION OF ASYLUM-SEEKERS AND REFUGEES

In his report, the Commissioner recommended that the Slovenian authorities strengthen the integration of recognised refugees into society, and afford adequate rights to asylum-seekers, notably in the field of health care and education.

DEVELOPMENT OF THE SITUATION AND MEASURES TAKEN

In April 2004, a new Integration Decree was adopted. The new Decree provides for additional support measures for recognised refugees, such as a six-months special housing allowance. An individual integration plan is concluded between the Ministry of Interior, which is responsible for refugee integration, and the refugee, who will also be provided with necessary information by integration counsellors.

A number of NGOs that the members of the Commissioner's met, expressed doubts regarding the effectiveness of the integration measures. The long term housing support for refugees was considered inadequate. It should be noted, however, that the housing situation in Slovenia is generally difficult. The NGOs expressed their feeling that there was a lack of interest on the part of the authorities in co-operating with them, although they have the expertise and willingness to assist in integration.

The regulations regarding the rights of asylum-seekers in the field of health care and education have not been changed. The right to education is limited

to primary education only and health services are limited to emergency care with no provisions for persons in special need. The authorities, with whom the delegation raised this issue, considered that the restrictions were not significant in practice. They explained that the health care covers most treatments and includes, for example, the right to reproductive health care. As regards education, the authorities acknowledged that there are limitations in law. However, based on agreements with the Ministry of Education, and on a case by case basis, access to education beyond primary education has always been granted to interested applicants.

The Commissioner welcomes the adoption of the new Integration Decree as a positive step. Recognised refugees often require support and assistance by the authorities, as well as the non-governmental sector, in order to be able to fully integrate into a society. To ensure that the support given to the refugees is adequate, the Commissioner calls for improved co-operation between the various authorities, and more inclusive approach to the NGOs qualified to work in this field.

The Commissioner urges the authorities to provide access to all asylum-seekers and refugees to adequate healthcare and education, not only emergency healthcare and primary education. Even if this is already the case in practise, as reported by the authorities, the situation should be regulated by law.

* See Council of Europe, Strasbourg, 29 March 2006, CommDH(2006)8, original version. The report was published on webpage: <https://wcd.coe.int/ViewDoc.jsp?id=984025&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679> (downloaded on 30 March 2006).

1 Ms. Sirpa Rautio and Mr. Ignacio Perez.

2 Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, CommDH(2003)11, 15 October 2003, on his visit to Slovenia, 11-14 May 2003, for the attention of the Committee of Ministers and the Parliamentary Assembly. The report was presented to the Committee of Ministers on 15 October 2003 and can be found on the Commissioner's website at www.commissioner.coe.int.

3 The follow-up visit included contacts with the Slovenian Ombudsman, Deputies of the National Assembly, the Mayor of Ljubljana and representatives of the Ministry of Foreign Affairs, Interior, Justice, Culture, Labour, Family and Social Affairs, Education and Sports the Office of the Director General of the Slovenian Police, the Government Office for Nationalities, the Ministry of Justice, the Government Office for the Disabled and Chronically Sick, the President of the District Court in Ljubljana and the President of the Constitutional Court of the Republic of Slovenia. In Novo Mesto, meetings were organised with municipal and school authorities, teachers, Roma representatives and representatives of parents of non-Roma children.

4 On 24 March 2004, the Government of Slovenia submitted comments to the Commissioner for Human Rights based on his report. These comments were appended to the first report and the information provided by the Government was taken into account when preparing for the follow-up visit and drafting this report.

5 The Government of Slovenia provided an explanation about the notion "autochthonous" in its comments to the Commissioner. According to the comments, the term is found in the Constitution of Republic of Slovenia, in Articles 5 and 64. The autochthonous character or historical settlement of a community usually is referred to if such a community has lived in an area for at least two generations.

6 ACTF/SR/II(2004)008.

7 In the 2002 census, 3,246 inhabitants declared themselves as Roma and 3,834 stated the Romany language as their mother tongue. According to data from the social work centres and municipalities, around 6,264 Roma autochthonously live in the Republic of Slovenia. It is estimated that between 7,000 and 10,000 Roma live in the Republic of Slovenia, the majority of them in Prekmurje, Dolenska, Posavje and Bela Kraina. Second report submitted by Slovenia pursuant to article 25, paragraph 1 of the Framework convention for the protection of national minorities, July 2004.

8 See below, Chapter Chapter IV for more information about the situation of the erased persons.

9 On 25 July 2005, the UN Human Rights Committee, in its Concluding Observations (CCPR/C/SVN/2004/2) expressed its concern about the difference in status between the so-called "autochthonous" (indigenous) and "non-autochthonous" (new) Roma communities in Slovenia and recommended that the Slovenian government consider eliminating such discrimination in status within the Roma minority.

10 Slovenia, Ministry of Education, Science and Sport.

11 Recommendation No R (2000) 4 of the Committee of Ministers of Council of Europe.

12 The letter, which is dated in Ljubljana, April 2005, is entitled "The Implementation model for the Brsljine Elementary School prepared by the Ministry of Education and Sports is in conflict with the profession and the law".

13 The representatives of the Ministry of Labour, Family and Social affairs provides estimates, since there is no official data based on ethnicity, that the unemployment rate is 98% for Roma in Bela Krajina (south of the country) and 90% in Prekmurje (near the Hungarian border).

14 The NAP builds on the Joint Inclusion Memorandum (JIM) on matters relating to social inclusion signed in December 2003 between the European Commission and Slovenia.

15 In its 2005 conclusions on Slovenia, the European Committee of Social Rights under the European Social Charter (Revised) also requested detailed information on the steps taken or planned to improve the situation (Article 31, Paragraph 1, Right to adequate housing)

16 Recommendation Rec(2005)4 of the Committee of Ministers to member states, adopted on 23 February 2005.

17 Directive 2000/43/EC "Implementing the principle of equal treatment between persons irrespective of racial and ethnic origin". The other Directive 2000/78/EC was transposed to a considerable extent in the Employment Relationships Act, which entered into force already on 1 January 2003.

18 See for example a study, commissioned by ECRI, from March 2005 by Jean-Yves Camus on "The use of racist, anti-Semitic and xenophobic arguments in political discourse". The Study describes how in Slovenia "the campaigns for the European elections and the October 2004 general elections in Slovenia were marked by two other instances of xenophobia." Reference is made to the Referendum held on 4 April 2004 on restoring the rights of persons deleted from the register of permanent residents in February 1992. According to the Study, the referendum campaign led by the opposition parties was "smattered with xenophobic statements". It is to be noted that the outcome of the referendum was without any legal consequences.

19 Decision U-I-246/02 of 3 April 2003, Official Gazette RS, No 36/2003.

20 The Act on the Regulation of the Status of Citizens of Other Successor States to the Former SFRY in the Republic of Slovenia, from 1999.

21 Decision U-I-246/02-28, 22 December, issued on a related issue. For details, see the comments of the Slovenian Government in response to the Commissioner's report, page 34.

BASIC INFORMATION ON THE INTERNATIONAL PROJECT »TRAINING AND EDUCATION FOR COMBATING DISCRIMINATION IN SLOVENIA« (2005–2006)

This project is carried out within the European Community Action Programme to Combat Discrimination (2001 - 2006). This Programme was established to support effective implementation of the new EU anti-discrimination legislation. The Programme is addressed to all parties who can contribute to the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, European Free Trade Association (EFTA) and EU candidate countries.

The Action Programme has three main objectives. These are:

1. To improve understanding of issues related to discrimination
2. To develop the capacity to effectively confront discrimination
3. To promote values fundamental for the fight against discrimination

For more information see:

http://europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm

INTERNATIONAL CONSORTIUM OF THE PROJECT

The holder of the project is the International Consortium of institutions which is coordinated by ISCOMET - Institute for Ethnic and Regional Studies in Maribor, Slovenia. The members of the Consortium also are:

- European University Viadrina, Faculty of Law, Frankfurt, Germany
- Austrian Human Rights Institute, Salzburg, Austria;
- University of Münster, Ecumenical Institute, Faculty of Catholic Theology, Germany;
- Erasmus University Rotterdam, Faculty of Law, Netherlands;
- ECERS - European Centre for Ethnic, Regional and Social Studies, University of Maribor, Slovenia.

The detailed list of the Consortium and project management is presented in an additional note at the end of the publication.

PURPOSES AND OBJECTIVES OF THE PROJECT

The existence of “visible” or “hidden” discrimination in a society is a possible source of its instability. Thus, the main purpose of the project is to contribute to the elimination of situations connected to discrimination of people based

on their race, ethnicity and religion, and with it to contribute to the stability of Slovenia and its affirmation in the new European environment and in the world in general. In that context, the project has the following special purposes:

- To support the existing efforts in Slovenia - of Commissions for Equal Opportunities, the Ombudsman and others - for the implementation of the European Union Directives on Discrimination (2000), and for elimination of any forms of discrimination based on racial, ethnic or religious identity.
- To increase Slovenian citizens' understanding of the purposes and objectives of EU Directives and increase their awareness of the urgency of the fight against racism and racial discrimination.
- To increase the ability of jurisdictional bodies and members of other target groups involved in the project for effective implementation (and further development) of EU Directives
- To create an analysis of opinions and viewpoints of persons involved in the project activities, about the issues of discrimination, and especially about the ways of improving the situation in Slovenia
- To warn about deficiencies and to propose completion of means for fighting discrimination in Slovenia, first of all by eliminating its causes
- To ensure continuation of activities after the project's completion by establishing a national network and incorporating it into adequate European networks.

The project pays particular attention to communities which are the most probable and most frequent victims of discriminatory treatment. These are the Roma, members of the Hungarian and Italian minorities and constitutionally unrecognized ethnic communities like Croats, Serbs, Bosniaks, Macedonians, Montenegrins, Muslims, etc. The project holders count on situations that will arise as a result of free movement of people within the future collective territory of the EU.

PROGRAMME of activities

In 2005, among others, the following activities were carried out within the project:

- Preparation of the website with complete information about the project and its results. Also available is information about international and national standards which concern the fight against discrimination and possibilities for legal protection of victims of discrimination (see: www.iscomet.org).
- Preparation of four thematic seminars, namely for members of constitutionally unrecognised minority groups, for representatives of relevant local communities, civil associations, non-governmental organisations etc. for constitutionally recognized ethnic communities, judges, prosecutors and lawyers, and for policemen, customs officers

and selected members of Slovenian army.

- Preparation and realisation of research on opinions and viewpoints of project participants in 2005, about issues related to the project's content.
- Editing and printing of an informative brochure "Are you treated equally, irrespective of your nationality or religion?" The brochure was translated into the languages of eight ethnic communities who live in Slovenia - Albanian, Bosnian, Croatian, Italian, Hungarian, Macedonian, German and Serbian language. Unfortunately, despite our sincere efforts, we could not find a suitable way to translate the brochure into a version of Roma language used in Slovenia.
- Editing and printing, in Slovenian and English language, of the book "Discrimination on Ethnic and Religious Grounds in Slovenia".
- Spreading information about issues related to the project, via mass media, lectures for selected audience and in electronic form.

In 2006, within the project we will also hold seminars and round tables for officials in public administration and other relevant institutions and organisations, about prevention of discrimination based on religion and religious belief, and about education on fighting discrimination in primary and other schools. This year we will publish, in Slovenian and English language, a book about domestic and international procedures to be used by victims of discrimination in the fight for their rights and in elimination of injustice. The book will also contain some propositions for the improvement of the situation in that area in Slovenia.

By the end of the year we will publish, in Slovenian and English language, a thematic publication about the project's content, in the form of a manual for fighting against discrimination in Slovenia. We will also publish, in both languages, a final analysis of the research of opinions and viewpoints of participants of project activities, about issues related to discrimination based on ethnicity and religion in Slovenia. And finally, we will prepare, in Slovenian and English language, a content report on the project which we are obliged to send to the European Commission.

The project will be formally completed by the end of 2006 with a concluding conference which will present and assess the results, form recommendations and propositions, and plan further activities. A network which will be established within the project will ensure further activities in that area, and will also enable exchange of knowledge and information about fighting discrimination in the European framework. Within the project, a collected database will be a further source of information in that area.

ABOUT ISCOMET — PROJECT COORDINATOR

The holder and coordinator of the project is ISCOMET - Institute for Ethnic and Regional Studies from Maribor, Slovenia. The main areas of activity and expert interest of ISCOMET Institute are the following fields:

- political, institutional, ethnic, cultural and language views of European integration, also within the context of EU expansion,
- collective foreign and safety policy of the EU and its execution in South Eastern Europe and Transcaucasia,
- the role of religious communities in the processes of reconciliation and development of democracy, and cooperation among nations in South Eastern Europe,
- international cooperation between EU countries and on present and future external borders of EU,
- regionalism in the framework of European integration processes with emphasis on regional cooperation of Slovenia with neighbouring countries,
- nationalism, racism, xenophobia,
- discrimination based on ethnicity and religion, human rights and protection of minorities and other vulnerable social groups,
- protection and preservation of cultural heritage of ethnic and religious communities,
- prevention and peaceful resolution of ethnic in religious conflicts and settling of relations in post-conflict situations,
- status and rights problems of migrants and asylum-seekers and their integration,
- status of an individual in international law.

ISCOMET Institute also presents a legal and organisational-administrative framework for the operation of the international non-governmental organisation named ISCOMET - International Scientific Conference Minorities for Europe of Tomorrow (ISCOMET - MNO), which is one of the forms of operation of the Institute. The roots of ISCOMET - MNO go back to year 1989, when a group of Slovenian experts, supported by the Council of Europe, summoned a founding conference on which they accepted its first statute and programme of activities.

Since 1992, ISCOMET - MNO has had a consultative status within the Council of Europe. In 1998, it became one of the 35 non-governmental organisations that have a right to lodge collective complaints in cases of disregard of the

European Social Charter. Today, ISCOMET - MNO is a widespread international organisation that connects 250 individual and collective members, among whom are eminent experts, professors, activists and officials, who come from all European and other countries. What unites them is their devotion to preserve peace, democratic development, human dignity and friendly cooperation between nations, countries and regions of Europe.

ISCOMET Institute coordinates and executes different international projects, organizes international scientific and expert meetings, stimulates exchange of information, knowledge and experiences, develops research work and cooperates with those governmental and non-governmental organizations which have similar objectives.

ISOMET - MNO pays particular attention to organisation of numerous international expert gatherings such as scientific conferences, meetings, round tables, seminars, etc. By 2005, it has organised 20 all-European international conferences, which dealt with general, current socio-cultural changes in Europe. One of the most successful were conferences in Maribor (1992 and 1995), Brno (1993), Odessa (1997), Timișoara (2001), Copenhagen (1994 and 1998) and Saint Petersburg (2003).

In the late 1990s, we established the ISCOMET Network for Democracy, Human Rights, Protection of Minorities, Cooperation and Development in South Eastern Europe. Members of the ISCOMET Network have paid particular attention to stimulating the church and religious communities in South Eastern Europe to contribute to reconciliation, democracy, respect of human rights and rights of minorities, cooperation and development. These are the objectives of an international project called "Mariborska pobuda" (Maribor Initiative). Within the project, ISCOMET has summoned successful conferences in Belgrade, Timișoara, Maribor and Chisinau. In 2005, the president of ISCOMET Prof. Dr. Silvo Devetak was invited to give a report on the results of the project during the Council of Europe's Study Days in Strasbourg.

ISCOMET Institute also develops publishing activities. It has published numerous scientific publications (Pravica do različnosti/The Right to Be Different, 1999; Položaj posameznika v mednarodnem pravu/The Position of an Individual in International Law; 2003, etc) and miscellanies (Small Nations and Ethnic Minorities in Emerging Europe, 1992; Ohraniti sanje/To Preserve the Dreams, 1997; Legal Position of Churches and Religious Communities in South-Eastern Europe, 2004; Religion and Democracy in Moldova - in English and Romanian language, 2005, etc.). Since 1995, ISCOMET has been a co-editor and publisher of "Regional Contact" magazine, which is intended for exchange of experiences and ideas in the areas of regionalism, international cooperation, preservation of cultural heritage of regions and ethnic communities, and protection of minorities in Europe.

FOR ADDITIONAL INFORMATION CONTACT US AT:

ISCOMET - Institute for Ethnic and Regional Studies

H. Tomšiča 4, SI-2000 Maribor, Slovenia

Telephone: +386 2 250 04 40, Fax: +386 2 250 04 41

E-mail: iscomet@siol.net www.iscomet.org

CONSORTIUM AND PROJECT management

Members of the Consortium

ISCOMET - Institute for Ethnic and Regional Studies, Maribor, Slovenia
Faculty of Law, European University Viadrina, Frankfurt (Oder),
Germany
Austrian Human Rights Institute, Salzburg, Austria
Ecumenical Institute, Faculty of Catholic Theology, University of Münster,
Germany
Faculty of Law, Erasmus University, Rotterdam, the Netherlands
ECERS - European Centre for Ethnic, Regional and Social Studies at
University of Maribor, Slovenia

Coordinator

ISCOMET - Institute for Ethnic and Regional Studies, Maribor, Slovenia

CONDUCTING OF THE PROJECT

Coordinator

Prof. Dr. Silvo Devetak, director of ISCOMET - Institute for Ethnic and
Regional Studies, Maribor, Slovenia

Deputy coordinator

Prof. Gerard Rowe, Faculty of Law, European University Viadrina,
Frankfurt (Oder), Germany

International Programme Council

Prof. Dr. Thomas Bremer, director of Ecumenical Institute, University of
Münster, Germany
Prof. Dr. Sergej Flere, ISCOMET - Institute for Ethnic and Regional Studies,
Maribor, Slovenia
Prof. Dr. Wolfram Karl, Austrian Human Rights Institute, Salzburg,
Austria
Dr. Vera Klopčič, ISCOMET's external collaborator - Institute for Ethnic
and Regional Studies, Maribor, Slovenia
Prof. Dr. Math Northmann, Faculty of Law, Erasmus University Rotterdam,
Netherlands

The Project Management

Jasmina Klojčnik, univ. dipl. oec. and Franc Mlinar, MA

a seLECTION of useFUL INTERNET LINKS

UNITED NATIONS

- <http://www.unog.ch/Intlnstr/uninstr.exe?language=en> - conventions
and other documents
- <http://www.unhchr.ch/html/menu2/issracis.htm> - High UN
Commissioner of Human Rights
- <http://www.ohchr.org/english/bodies/hrc/index.htm> - UN Commission
on Human Rights
- <http://www.ohchr.org/english/bodies/cescr/index.htm> - UN Committee
on Economic, Social and Cultural Rights

- <http://www.unhchr.ch/html/menu2/6/cerd.htm> - UN Committee on the Elimination of Racial Discrimination (CERD)
- <http://www.un.org/womenwatch/daw/cedaw/committee.htm> - UN Committee on the Elimination of Discrimination Against Women
- <http://www.unhchr.ch/html/racism/index.htm> - World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

COUNCIL OF EUROPE

- http://www.coe.int/t/E/human_rights - Council of Europe's Directorate General of Human Rights
- <http://conventions.coe.int/> - Council of Europe Treaties
- <http://www.echr.coe.int/echr> - European Court of Human Rights
- http://www.coe.int/T/E/human_rights/minorities/ - Council of Europe's Secretariat of the Framework Convention for the Protection of National Minorities
- http://www.coe.int/T/E/human_rights/Ecri/ - European Commission against Racism and Intolerance

EUROPEAN UNION

- <http://www.stop-discrimination.info/> - European Commission's website on anti-discrimination
- http://europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm - equal opportunities, non-discrimination, civil society
- <http://www.eumc.eu.int/eumc/index.php> - European Monitoring Centre on Racism and Xenophobia (EUMC)

REPUBLIC OF SLOVENIA

- <http://www.dz-rs.si/> - National Assembly of the Republic of Slovenia (Legislation, Commission for National Communities, Commission for Petitions, Human Rights and Equal Opportunities, etc.)
- <http://www.varuh-rs.si/> - Human Rights Ombudsman of the Republic of Slovenia
- <http://www.uem-rs.si/> - Government's Office for Equal Opportunities
- <http://www.gov.si/uvsv/> - Government's Office for Religious Communities
- <http://www.uvi.si/slo/vlada/naslovi/narodnosti/> - Government's Office for National Minorities
- <http://www.iscomet.org> - Institute for Ethnic and Regional Studies, Maribor
- <http://www.mirovni-institut.si/> - Peace Institute, Ljubljana
- <http://www.inv.si/> - Institute for Ethnic Studies, Ljubljana

© 2005 Prof. Dr. Silvo Devetak (Edit.)
Diskriminacija na etnični in verski osnovi v Sloveniji /
Discrimination on Ethnic and Religious Grounds in Slovenia

Izdajatelj / Publisher:
ISCOMET - Inštitut za etnične in regionalne študije /
Institute for Ethnic and Regional Studies

Glavni urednik / Chief Editor:
Prof. Silvo Devetak

Odgovorni urednik / Editor in charge:
Mag. Franc Mlinar, MA

Za izdajatelja / For the publisher:
Jasmina Klojčnik

Slovenska lektura / Slovenian proofreader:
Tatjana Vučajnik

Prevod v angleščino / English translation:
Translation agency PSD, Ljubljana

Grafična oprema / Graphic design:
Tanja Bončina

Priprava in tisk / Prepared and printed by:
Graffiti Studio Maribor

For Diversity  Against Discrimination
www.stop-discrimination.info



To publikacijo je podprla Evropska unija v okviru Akcijskega programa za boj proti diskriminaciji (2001-2006). Omenjeni program je bil sprejet z namenom učinkovitega izvajanja nove protidiskriminacijske zakonodaje EU. Šestletni program cilja na vse tiste, ki lahko pripomorejo k oblikovanju primerne in učinkovite protidiskriminacijske zakonodaje in politik na območju EU-25, EFTE in držav kandidat za vstop v EU. / This publication is supported by the European Community Action Programme to Combat Discrimination (2001 - 2006). This Programme was established to support the effective implementation of the new EU anti-discrimination legislation. The six-year Programme targets all parties who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

Akcijski program ima tri glavne cilje. Ti so /
The Action Programme has three main objectives. These are:
1. izboljšati razumevanje vsebin povezanih z diskriminacijo /
To improve understanding of issues related to discrimination
2. razviti sposobnost za učinkovito soočanje z diskriminacijo /
To develop the capacity to tackle discrimination effectively
3. promovirati vrednote, ki so osnova borbi proti diskriminaciji /
To promote values underlying the fight against discrimination

Dodatne informacije so na voljo / For more information see:

http://europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm

Vsebina te publikacije ne odraža nujno mnenj in stališč Direktorata Evropske komisije za zaposlovanje in socialne zadeve. Evropska komisija ali katerakoli oseba, ki dela v njenem imenu, ni odgovorna za uporabo, ki lahko sledi iz informacij v tej publikaciji. / The contents of this publication do not necessarily reflect the opinion or position of the European Commission Directorate-General for Employment and Social Affairs. Neither the European Commission nor any person acting on its behalf is responsible for the use which might be made of the information in this publication.