



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under  
article 9 of the Convention**

**Seventh periodic reports of States parties due in 2005**

Addendum

**Slovenia\* \*\***

[10 July 2008]

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\* This document contains the sixth and seventh periodic reports of the Republic of Slovenia, due on 6 July 2005, submitted in one document. For the fifth periodic report and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/398/Add.1, CERD/C/SR.1570, 1571 and 1581.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## **Introduction**

1. The sixth and seventh periodic reports of the Republic of Slovenia on the implementation of the International Convention on the Elimination of all Forms of Racial Discrimination answer the questions posed by the Committee on the Elimination of Racial Discrimination (hereinafter: the Committee) at the defence of the fifth periodic report of the Republic of Slovenia in March 2003 and included in the Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/62/CO/9).

## **Answers to specific sets of questions posed in the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/62/CO/9)**

### **Definition and status of minorities in Slovenia (para. 7)**

2. In its declaration of independence, the Republic of Slovenia pledged to ensure the protection of human rights, without any discrimination, for all individuals in its territory in accordance with the Constitution of the Republic of Slovenia and assumed international obligations. In accordance with the provisions of the Constitution, ratified international documents form a part of national law and are directly applicable. Laws and regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia (Article 8 of the Constitution). In view of this Article, the generally valid principles of international law and treaties ratified by the Republic of Slovenia can be considered a part of the national law. In this context, the provisions of Article 153, paragraph 2, of the Constitution are particularly important, which stipulate that laws must be in conformity with generally accepted principles of international law and with treaties ratified by the National Assembly.

3. In Slovenia's legal order, discrimination is constitutionally prohibited; in accordance with Article 14 of the Constitution, in Slovenia everyone is guaranteed equal human rights and fundamental freedoms. Any incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious or other hatred and intolerance are unconstitutional (Article 63 of the Constitution). Article 15 of the Constitution guarantees judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms. Everyone is guaranteed the right to appeal or to any other legal remedy against the decisions of courts and other state authorities, local community authorities, and bearers of public authority (Article 25 of the Constitution), and the right to appeal to the Human Rights Ombudsman and other inspection authorities in the field of public services. The appeal as an ordinary legal remedy is the main element of the system of legal remedies. In cases of final decisions, all procedures provide for extraordinary legal remedies. In cases of a violation of human rights or fundamental freedoms, it is also possible to claim damages.

4. In Slovenia's legal order, unequal treatment, incitement to intolerance, and the dissemination of ideas on the supremacy of one race over another are subject to criminal sanctions. In the chapter on Criminal Offences against Human Rights and Liberties, Article 141 of the Criminal Code of the Republic of Slovenia defines a violation of equal status as a criminal offence. In the chapter on Criminal Offences against the Public Order and Peace, Article 300 of the Criminal Code defines the stirring up of ethnic, racial or religious hatred, strife or intolerance as a criminal offence.

5. Article 61 of the Slovenian Constitution is of particular importance to the members of national and ethnic communities: 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. In order to ensure the exercise of these rights, the Republic of Slovenia supports the activities of organisations and societies that bring together or connect the members of the nations, nationalities and ethnic groups from the former Yugoslavia. The Ministry of Culture allocates funds to these organisations and societies on the basis of regular calls for applications for the allocation of funds for cultural activities. Members of the autochthonous Italian and Hungarian national communities and the Roma community exercise general human rights (like all citizens of the Republic of Slovenia) and individual rights relating to their national affiliation: the right to freely express national affiliation and to foster their culture and language (Article 61 of the Constitution), and the right to use their language and script (Article 62 of the Constitution).

6. All members of national, ethnic, linguistic, and religious communities in Slovenia and all other citizens of the Republic of Slovenia are guaranteed these rights, which are implemented in accordance with the principles of equality and non-discrimination. In accordance with constitutional powers, the Italian and Hungarian national communities and the Roma community are guaranteed special rights, i.e. historically acquired special rights, which are granted on the basis of the traditional settlement of these communities in accordance with the territorial principle and regardless of the number of their members. The members of the communities exercise these rights both individually and as a community.

7. The special rights of the Italian and Hungarian national communities under the Constitution are an example of the positive protection of minority communities and do not imply negative discrimination against the other communities. On the basis of positive protection, the special rights of the two minority communities under Article 64 of the Constitution are only added to the exercise of the general rights of all citizens. Under Articles 61 and 62 of the Constitution and in accordance with the adopted sector-specific strategies, the members of all minority communities are guaranteed the right to foster their language and culture and to preserve their national identity (see Slovenia's Attitude to the Protection of National Minorities in Annex 1, a contribution by Dr Miran Komac).

8. When the situation in the territory of the countries of the former Yugoslavia began to normalise, this also had a positive impact on bilateral relations between Slovenia and these countries, on the regulation of the status of those inhabitants of Slovenia originating from other republics of the former Yugoslavia, and on the strengthening of mutual trust. On the basis of treaties and bilateral agreements, children of Croatian, Macedonian, and Albanian nationalities attending Slovenian elementary schools may, if they wish to do so, attend additional classes in their mother tongue and culture.

9. The legal basis for improving their status is bilateral agreements on cooperation in culture, which include specific provisions on financing educational activities and activities for the preservation of the language and culture of the members of the 'new' minorities. The Republic of Slovenia has concluded the following bilateral agreements:

- Agreement on Cooperation in Culture and Education between the Government of the Republic of Slovenia and the Government of the Republic of Croatia (*Uradni list RS* (Official Gazette of the Republic of Slovenia, hereinafter: Ur. l. RS), No. 51/94)<sup>a</sup>

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<sup>a</sup> On the basis of this Agreement, Slovenia finances three Croatian societies and enables various educational activities.

- Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on Cooperation in the Fields of Culture, Education, and Science (Ur. l. RS, No. 69/2000)
- Agreement on Cooperation in Education, Culture, and Science between the Government of the Republic of Slovenia and the Government of the Republic of Macedonia (Ur. l. RS, No. 25/97)
- Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Albania on Cooperation in Education, Culture, and Science (Ur. l. RS, No. 36/94)
- Agreement between the Government of the Republic of Slovenia and the Federal Government of the Federal Republic of Yugoslavia on Cooperation in Culture and Education (Ur. l. RS, No. 47/2002)

10. As regards classes in one's mother tongue, Article 8 (Additional Education) of the Elementary School Act (Ur. l. RS, No. 81/2006, of 31 July 2006) stipulates: "In compliance with international agreements, the teaching of their respective mother tongues and cultures shall be organized for the children of Slovenian citizens living in the Republic of Slovenia whose mother tongue is not Slovenian; Slovenian language lessons may also be provided." In November 2003, additional classes in the Serbian language were launched in Maribor. Syllabi for Serbian, Croatian, and Macedonian language courses amongst the elective subjects which students must choose from in the last triad of the 9-year elementary school have been adopted by the Council of Experts for General Education of the Republic of Slovenia.

11. In addition to Article 61 of the Constitution, the legal basis for the treatment of the 'new' minorities in culture also includes Articles 8, 65, and 74 to 79 of the Exercising of the Public Interest in Culture Act, and the annual programmes of the Ministry of Culture and the Fund of the Republic of Slovenia for Amateur Cultural Activities, which are implemented on the basis of these articles. The above legal basis provides conditions for cultural diversity created through various programmes: the special programme of the Republic of Slovenia, i.e. the Ministry of Culture, for the implementation of the cultural rights of members of different minority ethnic communities (projects for the preservation of cultural identity), the integration programme (based on the principle of equal opportunities irrespective of ethnic identity), and the European Programme (financing the training and employment of members of minority ethnic communities from EU structural funds).

12. Article 8 of the Exercising of the Public Interest in Culture Act stipulates that the public interest in culture is implemented by ensuring conditions that enable access to public cultural assets and cultural diversity. Article 65 of this Act stipulates that the state shall also fund public cultural programmes and cultural projects aimed at the cultural integration of minority communities and immigrants if such cultural programmes or projects exceed local importance.

13. The Ministry of Culture has developed two institutes for the protection of ethnic minorities and other vulnerable groups: the institute of special care (positive discrimination based on cultural needs) and the institute of integration aimed at guaranteeing conditions for inclusion and social cohesion, demarginalisation, and broader social integration. The minority cultural policy is aimed particularly at promoting the participation of minorities in deciding on concrete measures, the positive promotion of minority communities, and the process of getting to know and understand one another, which is essential for peaceful coexistence.

14. Since 2002, the Ministry of Culture has been providing expert counselling with regard to the special circumstances in which minority members perform cultural activities

(regarding a lack of staff and premises, etc.). Such counselling is provided in the form of information concerning calls for applications, assistance in expressing cultural needs in accordance with the minority cultural policy, the development of draft projects, writing applications in accordance with the requirements of the Ministry of Culture, the monitoring of the implementation of contracts, etc. In 2005, the Ministry provided counselling in 108 specific cases (in person, by phone, or by e-mail). Other important activities in 2005 included consultations with the President of the Union of Roma of Slovenia and Roma artist Imer Traja Brizani, who moved to Slovenia from the former SFRY, on active cooperation, and mediation with the representatives of the Union of Macedonian Cultural Associations and the Macedonian vocal group Pella.

15. Cooperation between local communities and the state in supporting cultural diversity is also encouraged. The implementation of the minority cultural policy by the Ministry of Culture includes not only financing but also organisation in its broadest and normative senses. The Ministry provides the following services: legal counselling and awareness-raising regarding cultural rights, mediation aimed at resolving potential and real conflicts, expert assistance and advice on writing requests for funding and reports on the implementation of financed projects, published registration and storage of works (accessible via the COBISS system) financed by the Ministry of Culture, as evidence that a multicultural heritage is being built in Slovenia, along with services for artists and professionals from minority communities, etc. Concrete objectives and measures as well as indicators of their implementation are defined in the National Programme for Culture (Ur. l. RS, No. 77/2007). Cultural diversity is one of the objectives of the Programme defined in the chapter on ethnic minorities; vulnerable groups are mentioned in different chapters and in the context of various cultural activities.

16. Articles 3, 4, and 5 of the *Radiotelevizija Slovenija Act* place particular emphasis on the constitutionally recognised minorities, the disabled, and children, promote the knowledge of cultures in Slovenia and their representatives, and prohibit incitement to religious, sexual, racial, national, or other forms of intolerance. Implementing regulations also take into account the particularities which underpin the normative conditions for cultural diversity.

17. Measures based on cultural needs have been put forward in order to avoid disproportionate positive discrimination and the separation of specific groups, which could lead to real discrimination. Coordination meetings and talks are thus held with those engaged in cultural programmes and projects and representatives of the said groups. The Ministry of Culture has prepared detailed information and relevant practical and theoretical instructions to be distributed to those interested in the matter, particularly within local communities, at seminars held under the auspices of the Administrative Academy. Civil servants are trained in the field of cultural rights which form a part of human rights.

### **Statistics on Slovenia's ethnic structure (para. 8)**

18. Statistics on national affiliation, mother tongue, and religion from the 2002 census are also available in English on the website of the Statistical Office of the Republic of Slovenia in special publications. Milivoja Širčelj has published a comparative study of demographic data and the ethnic structure from a historical point of view: *The Religious, Linguistic, and Ethnic Structure of the Inhabitants of Slovenia, Censuses 1921–2002* (Special Publications, No. 2, Statistical Office of the Republic of Slovenia, Ljubljana, 2003).

Table 1  
**Population by national affiliation**

		<i>Population by national affiliation, Slovenia, Censuses 1953, 1961, 1971, 1981, 1991 and 2002</i>					
		<i>1953</i>	<i>1961</i>	<i>1971</i>	<i>1981</i>	<i>1991</i>	<i>2002</i>
<b>Number</b>	<b>Total</b>	<b>1 466 425</b>	<b>1 591 523</b>	<b>1 679 051</b>	<b>1 838 381</b>	<b>1 913 355</b>	<b>1 964 036</b>
	Declared	1 466 214	1 587 585	1 664 093	1 800 680	1 845 022	1 766 982
	Slovenians	1 415 448	1 522 248	1 578 963	1 668 623	1 689 657	1 631 363
	Italians	854	3 072	2 987	2 138	2 959	2 258
	Hungarians	11 019	10 498	8 943	8 777	8 000	6 243
	Roma	1 663	158	951	1 393	2 259	3 246
	Albanians	169	282	1 266	1 933	3 534	6 186
	Austrians	289	254	266	146	126	181
	Bulgarians	49	180	138	103	168	138
	Bosniaks	...	...	...	...	...	21 542
	Czechs	807	584	442	423	315	273
	Montenegrins	1 356	1 384	1 950	3 175	4 339	2 667
	Greeks	24	50	24	15	21	54
	Croats	17 978	31 429	41 556	53 882	52 876	35 642
	Jews	15	21	72	9	37	28
	Macedonians	640	1 009	1 572	3 227	4 371	3 972
	Muslims	1 617	465	3 197	13 339	26 577	10 467
	Germans	1 617	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
	Russinians	46	384	66	54	57	40
	Slovaks	60	71	75	139	139	216
	Serbs	11 225	13 609	20 209	41 695	47 401	38 964
	Turks	68	135	52	86	142	259
	Ukrainians	...	...	138	190	210	470
	Vlachs	9	6	4	16	37	13
	Others declared	352	449	293	526	1 021	1 548
	Undeclared	-	2 784	12 280	32 400	25 978	22 141
	Declared as Yugoslavs	-	2 784	6 616	25 615	12 075	527
	Declared as Bosnians	...	...	...	...	...	8 062
	Regionally declared	-	-	2 652	3 932	5 187	1 467
	Others undeclared	-	-	3 012	2 853	8 716	12 085
	Did not wish to reply	...	...	...	...	...	48 588
	Unknown	211	1 154	2 678	5 301	42 355	126 325

Table 2  
**Population by national affiliation (%)**

		<i>Population by national affiliation, Slovenia, Censuses 1953, 1961, 1971, 1981, 1991 and 2002</i>					
		<i>1953</i>	<i>1961</i>	<i>1971</i>	<i>1981</i>	<i>1991</i>	<i>2002</i>
Proportions (%)	<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
	Declared	99.99	99.75	99.11	97.95	96.43	89.97
	Slovenians	96.52	95.65	94.04	90.77	88.31	83.06
	Italians	0.06	0.19	0.18	0.12	0.15	0.11
	Hungarians	0.75	0.66	0.53	0.48	0.42	0.32
	Roma	0.12	0.01	0.06	0.08	0.12	0.17
	Albanians	0.01	0.02	0.08	0.11	0.18	0.31
	Austrians	0.02	0.02	0.02	0.01	0.01	0.01
	Bulgarians	0	0.01	0.01	0.01	0.01	0.01
	Bosniaks	...	...	...	...	...	1.1
	Czechs	0.06	0.04	0.03	0.02	0.02	0.01
	Montenegrins	0.09	0.09	0.12	0.17	0.23	0.14
	Greeks	0	0	0	0	0	0
	Croats	1.23	1.97	2.47	2.93	2.76	1.81
	Jews	0	0	0	0	0	0
	Macedonians	0.04	0.06	0.09	0.18	0.23	0.2
	Muslims	0.11	0.03	0.19	0.73	1.39	0.53
	Germans	0.11	0.05	0.02	0.02	0.02	0.03
	Poles	0.02	0.01	0.01	0.01	0.01	0.01
	Romanians	0	0	0	0.01	0.01	0.01
	Russians	0.04	0.02	0.02	0.01	0.01	0.02
	Russinians	0	0.02	0	0	0	0
	Slovaks	0.01	0	0	0.01	0.01	0.01
	Serbs	0.77	0.86	1.2	2.27	2.48	1.98
	Turks	0.01	0.01	0	0	0.01	0.01
	Ukrainians	...	...	0.01	0.01	0.01	0.02
	Vlachs	0	0	0	0	0	0
	Others declared	0.02	0.03	0.02	0.03	0.05	0.08
	Undeclared	-	0.17	0.73	1.76	1.36	1.13
	Declared as Yugoslavs	-	0.18	0.39	1.39	0.63	0.03
	Declared as Bosnians	...	...	...	...	...	0.41
	Regionally declared	-	-	0.16	0.21	0.27	0.07
	Others undeclared	-	-	0.18	0.16	0.46	0.62
	Did not wish to reply	...	...	...	...	...	2.47
	Unknown	0.01	0.07	0.16	0.29	2.21	6.43

19. Tables 1 and 2 include data on national affiliation from the 2002 census in Slovenia. The method of collecting data on national affiliation and mother tongue used in the 2002



census was different from the one used in the 1991 census. According to the provisions of Article 10 of the Act Regulating the Census of Population, Households, and Housings in the Republic of Slovenia (Ur. l. RS No. 66/2000, 26/2001), all people aged 14 and over had to declare their national affiliation (which includes data on one's mother tongue and religion) themselves. For children under 14 years, parents, adoptive parents, or guardians could answer this question. In the past censuses (for instance, in the 1991 census), an adult member of the household could provide the answer on the national affiliation of persons who were absent at the time of the interviewer's visit.

20. In the 2002 census, data on the national affiliation, mother tongue, and religion of household members who were at least 14 years of age on the day of the census (31 March 2002) but were absent at the time of the interviewer's visit or did not wish to declare their national affiliation, mother tongue, and religion in the presence of other household members or the interviewer, were collected by means of the Statement on National Affiliation/Ethnicity, Mother Tongue, and Religion (P-3/NV questionnaire), which the interviewer left in the household together with an envelope. Every person could thus fill in the statement by him/herself and send it by mail to the Statistical Office of the Republic of Slovenia. It was not obligatory to send the statement. Data was only taken from the signed statements.

21. All persons who were absent from the household at the time of the interview or did not wish to answer the question in the presence of other household members or the interviewer received a special questionnaire and an envelope with prepaid postage. Around 250,000 questionnaires were distributed, and around 75 per cent or approx. 188,000 were returned and processed. Many questionnaires were not returned to the Statistical Office, which automatically meant that the persons concerned were processed in all tables under the "unknown" category.

22. Data on national affiliation is also entered in the Register of Permanent Residents of the Republic of Slovenia in accordance with the Residence Registration Act (Ur. l. RS No. 59/06 – official consolidated text) which regulates the registration and cancellation of residence in Slovenia. Article 7 of the Residence Registration Act determines the data to be submitted upon the registration or cancellation of permanent residence and the registration of a change of address. The data under Article 7 also include nationality; however, in accordance with paragraph 2 of this Article, it is not obligatory to declare nationality to the authority responsible for the registration or cancellation of permanent residence or the registration of a change of address.

23. The data from the Register of Permanent Residents reveal that 597 persons who upon the registration or cancellation of permanent residence and the registration of a change of address declared themselves to be members of the Roma community are permanent residents of the Republic of Slovenia. 185 Slovenian citizens declared themselves to be members of the Italian national community, while 303 declared themselves to be members of the Hungarian national community. The number of persons who stated their nationality is low because the provision applies as of 24 February 2001, when the Residence Registration Act entered into force.

24. The Ministry of Culture is responsible for the inclusion of minority community members in the field of cultural production. At the end of 2005, the Minister established an internal project group for human rights, which has thus far addressed the following areas: the implementation of international pacts on human rights, including a unified data collection method enabling reporting on the implementation of pacts to international bodies; the new Radiotelevizija Slovenija Act in connection with human rights; the social integration of vulnerable groups into cultural life and the society in general; the protection of the diverse cultural heritage, etc.

### **Participation and inclusion of minority communities (para. 9)**

25. The universal right to vote of all citizens is determined by the Constitution (Article 43): “The right to vote shall be universal and equal. Every citizen who has attained the age of eighteen years has the right to vote and be elected.” This principle is included in the National Assembly Elections Act (Article 7): “Every citizen of the Republic of Slovenia who has reached the age of 18 by the Election Day and has not been declared legally incompetent shall have the right to vote and to be elected as a deputy.” As a result, members of all minority communities who are citizens of the Republic of Slovenia may be elected from the lists of Slovenian political parties.

26. The right to vote is regulated in the same manner in all forms and types of referendums that exist in the Slovenian legal system, i.e. referendum on constitutional amendment, and legislative and consultative referendums on issues within the competency of the National Assembly. In accordance with the law and their respective municipal statutes, the municipalities of Dobrovnik, Hodoš, and Šalovci have one representative of the Hungarian national community in their respective municipal councils, and the municipalities of Lendava and Moravske Toplice have two. The Municipality of Izola has two representatives of the Italian national community in the Municipal Council, and the Koper and Piran municipalities each have three.

27. The representation of the Italian and Hungarian national communities in the National Assembly is provided for in the Constitution of the Republic of Slovenia. Members of the Italian and Hungarian national communities can also be elected from the lists of any other political parties. National communities are directly represented in the representative bodies of local self-government and in the National Assembly (Article 80 of the Constitution stipulates in paragraph 3 that one deputy of the Italian and one deputy of the Hungarian national communities shall always be elected to the National Assembly).

28. On the basis of the Voting Rights Register Act (Ur. l. RS, No. 1/2007 – official consolidated text), the voting right of Slovenian citizens, members of the Italian and Hungarian national communities, and the Roma ethnic community is recorded in the electoral register. The electoral register of Slovenian citizens, members of the Italian or Hungarian national communities, in the areas where the respective community lives, is prepared by the relevant committee of the self-governing national community. The committee of the self-governing national community enters citizens of the Republic of Slovenia, members of the Italian and Hungarian national communities, in the electoral register of Slovenian citizens provided that he or she is a member of the autochthonous Italian or Hungarian national community. Being a member of the Italian or Hungarian national community is established on the basis of a statement provided by such a citizen of the Republic of Slovenia or on the basis of entry into the electoral register in past elections.

29. In the field of the political participation of “new minorities”, a great shift occurred in 2003, when the Coordination Group of Representatives of Minority Communities was established. In June 2005, Slovenian Minister of Culture Dr Vasko Simoniti received representatives of the Coordination Group, and in 2007 a joint meeting was held with the Secretary of the Slovenian Government. Within the framework of the Council for the Implementation of the Principle of Equal Treatment established on the basis of the Implementation of the Principle of Equal Treatment Act and operational since 2005, a special working group was formed, with which representatives of the Coordination Group met in 2007.

30. Within the competencies of the relevant state authorities (e.g. the Ministry of Culture, the Ministry of Labour, Family, and Social Affairs), the distinction between members of the two traditional national minorities in Slovenia and members of the historically settled Roma ethnic community, on the one hand, and members of other ethnic

groups and immigrants, thus also the non-historically settled (immigrant) Roma, on the other hand, is not pronounced. The same is true of social welfare benefits — anyone with permanent residence in the Republic of Slovenia is entitled to such — and the co-financing of preventive development programmes in the fields of social affairs and family policy, as well as various forms of employment and training programmes.

31. In the period 2003–2007, several important studies were carried out at the non-governmental level that involve different areas of the integration of all minority community members in Slovenia. At the request of the Slovenian Government Office for Nationalities, the Institute for Ethnic Studies prepared a comprehensive research report entitled “The Situation and Status of Members of the Former Yugoslav Nations in the Republic of Slovenia”. Within the framework of projects under the Target Research Programme “The Competitiveness of Slovenia 2006–2013”, the Institute for Ethnic Studies carried out a project entitled “The Perception of Slovene Integration Policy” and published its final report in a special publication.

32. The Slovenian Government Office for Equal Opportunities is a co-financier of a research project entitled “The Effects of Discrimination on Societal, Political, and Social Inclusion of Young People in Slovenia: An Analysis on the Basis of Gender, Sexual Orientation, and Ethnicity”. This is a project within the framework of the research projects of the Target Research Programme “The Competitiveness of Slovenia 2006–2013”, the applicant being the University of Ljubljana. In addition to the Office for Equal Opportunities, the project is also financed by the Government Office for Growth and the Slovenian Research Agency. The project was launched on 1 October 2006 and will be concluded on 30 September 2008. The aim of the project is to prepare proposals on the basis of analyses in order to draw up and improve anti-discriminatory policies in the fields of social protection, the reduction of social exclusion and social marginalisation, and the prevention of discrimination on the basis of the analysed personal circumstances.

33. Within the framework of the special projects aimed at raising awareness of discrimination, important international projects were carried out between 2004 and 2007, which also involved the active participation of the representatives of all minority communities. They include: “Training and Education for Combating Discrimination in Slovenia” carried out by the Institute for Ethnic and Regional Studies (ISCOMET), “Let’s Face Discrimination” carried out by the Office of the Slovenian Human Rights Ombudsman, and projects for the education of judges and prosecutors, organised by the Peace Institute. In 2007, the European Year of Equal Opportunities for All, the Črnomelj Institute for Education and Culture carried out a research project entitled “Accepting Differences – a Step Towards a Fair Society”, which brought together positions on discrimination on the basis of different personal circumstances in Slovenia.

34. The Slovenian Government set up the Council of Experts of the Republic of Slovenia for General Education that takes decisions on technical issues in general education and provides technical assistance when decisions are being made and regulations being prepared. One representative of the respective Italian and Hungarian national communities is also a member of the Council. The Council of Experts also incorporates committees, including the Education Committee for National Communities, composed of representatives of the Italian and Hungarian national communities. As regards education, national communities are also represented at a local level.

35. Representatives of the Union of Roma of Slovenia also cooperated in the working group that drew up the Strategy for the Education of the Roma in the Republic of Slovenia. In addition, they collaborate in the preparation of annual action plans based on the Strategy. Cooperation with the Roma Community in education is also evident from the fact that the 2007 National Education Award was given to the President of the Union of Roma of

Slovenia, Jožek Horvat Muc, for his contribution to facilitated and better integration of Roma children into the education process.

36. The Ministry of Education and Sport does not collect any statistical data on elementary school pupils' ethnic or national affiliation or mother tongue. The school system provides education in the mother tongue by offering compulsory elective subjects (languages), or in the form of additional classes.

37. In recent years, the Ministry of Labour, Family, and Social Affairs has coordinated preparations for the discussion and adoption of specific strategies relating in certain parts, directly or indirectly, to discrimination or non-discrimination, and to the implementation of the principle of equal treatment, in particular, the following: the Programme to Combat Poverty and Social Exclusion, the implementation of the Social Inclusion Strategy with the report on the implementation of the Programme to Combat Poverty and Social Exclusion, the Joint Inclusion Memorandum (JIM), the National Social Inclusion Action Plan 2004–2006 (NAP/inclusion), the First Annual Report on the Implementation of the National Social Inclusion Action Plan 2004–2006, and the National Report on Social Protection Strategies and Social Inclusion 2006–2008.

38. Within the EU Programme to Combat Social Exclusion, the Ministry of Labour, Family, and Social Affairs signed in April 2003 Grant Agreement No. VS/2003/0068, which provided the basis for the European Commission to co-finance a research project and a one-day seminar entitled “Social and Economic Inclusion of Underprivileged Groups – Possible Measures for Improving the Employability of the Most Vulnerable Groups of Long-Term Unemployed and Inactive Persons”. The research is being conducted under the auspices of the Faculty of Social Sciences of the University of Ljubljana. The research focuses in particular on the situation of those population categories that are assumed to be the most vulnerable, as determined by the primary criteria of their socio-economic situation (their characteristic features, the objective and subjective circumstances contributing to their situation, and the intertwining and interdependence of various factors) as well as the issue of their status on the labour market and their (actual and potential) employability.

39. In the framework of the Target Research Programme “The Competitiveness of Slovenia 2001–2006”, the Ministry of Labour, Family, and Social Affairs and the Ministry of Education and Sport co-financed two studies which were within the responsibility of the Institute for Ethnic Studies. The first research study was entitled the “Policy of Integration of the Roma Community in Slovenia – the Prevention of the Social Exclusion of Roma” and it dealt with possibilities and measures for the integration of the Roma community in Slovenia and the prevention of their social exclusion. The second research study was entitled the “Development of Models for the Education and Training of Roma Aimed at Increasing Regular Employment”. The latter is aimed at demonstrating and analysing education and training models for Roma and at increasing opportunities for their regular employment in Slovenia and in the neighbouring countries. One of the basic findings of the collected data and research undertaken so far on the situation of the Roma is that, due to their low level of education, the education of Roma for employment must also involve employment preparation, including the elimination of illiteracy, primary education, and general knowledge classes, so as to train both youths and adults.

### **The situation of autochthonous and immigrated Roma in Slovenia (para. 10)**

40. The right to vote of the citizens of the Republic of Slovenia and the members of the Roma community is recorded in the electoral register, which is prepared by a special commission appointed by the municipal council on the proposal of members of the Roma

community societies or associations. The Commission enters citizens of the Republic of Slovenia who are members of the Roma community into the electoral register. Being a member of the Roma community is established on the basis of a statement provided by the citizen of the Republic of Slovenia or on the basis of an entry into the electoral register in past elections. On the basis of the entry of the voting right into the register, all Slovenian citizens, members of the Italian or Hungarian national communities, or the Roma community, may exercise their right to vote.

41. In 2007, the Roma Community Act (Ur. l. RS, No 33/07) was adopted, entering into force on 28 April 2007. The Act comprehensively regulates the status of the Roma community in Slovenia, it defines the role of the state authorities and authorities of the self-governing local communities in exercising the special rights of the Roma community, especially in housing, education, employment, and the preservation of the Roma language and culture. Furthermore, it regulates the organisation and financing of the Roma community at the national and local levels. As regards organisation at the local level, special working bodies inside municipal councils are to be set up to monitor the status of the Roma community. In accordance with the Act regulating local self-government, a representative of the Roma community is elected to the city or municipal council. The municipalities of Beltinci, Cankova, Črenšovci, Črnomelj, Dobrovnik, Kočevje, Krško, Kuzma, Lendava, Metlika, Murska Sobota, Novo Mesto, Puconci, Rogašovci, Semič, Šentjernej, Tišina, Trebnje, and Turnišče each have one representative of the Roma community in their respective municipal councils.

42. At the national level, the Act had envisaged the establishment of the Roma Community Council of the Republic of Slovenia, which had its founding session on 20 June 2007. It is an entity of public law and in accordance with the Act, it represents the interests of the Roma community in Slovenia in relation to state authorities. Two representatives of the non-autochthonous Roma living in Slovenia were also elected into the Roma Community Council. The Act also stipulates that the Government shall adopt a programme of measures in cooperation with self-governing local communities and the Council, in order to ensure concerted exercise of the special rights of the members of the Roma community. On the basis of the adopted Government programme of measures, the relevant ministries, other state authorities, and authorities of self-governing local communities are to adopt detailed regional programmes and measures, and earmark the necessary funding in their financial plans. A special Government working body will also monitor the implementation of the Government programme of measures; moreover, the Government will, at least once a year, report to the National Assembly on the implementation of its obligations provided by law.

43. In the area of culture, it is worth noting the Act Implementing the Public Interest in the Field of Culture, which in Article 8 determines that fostering cultural diversity is in public interest. The Ministry of Culture pays special attention to the creation of the conditions necessary for cultural diversity, and hence conditions for equal opportunities for participation in cultural life regardless of ethnic or other characteristics of individuals or groups. Cultural diversity is understood as the prosperity and quality of cultural life. Support for various cultural projects is therefore not based on autochthonism or on whether project applicants are Slovenian citizens. Rather, what is taken into consideration is the quality and authenticity of the contributions to the cultural diversity, such as the co-financing of a painting workshop for children of the Ljiljan Bosnian-Slovenian Friendship Society.

44. In addition to co-financing specific projects of the immigrant Roma societies, which are listed in Annex II, individual Roma cultural groups and Roma artists are also included in the main gatherings of cultural groups and the main events organised by the Union of Roma of Slovenia and financially supported by the Ministry of Culture (the main

celebration of the International Roma Day, the gathering of folk dance groups, etc.) which are not shown in the table, however, they are also proof of the efforts regarding integration inside the Roma community (See Annex II for the list of approved projects and activities in 2003–2006).

45. Since 2003, projects to sensitise police officers in the fields of human rights and work in a multi-ethnic environment have been carried out by the Police Academy in Ljubljana. Within the framework of workshops for the improvement of police officers' work and relations with the Roma Community, a female Roma police officer has been employed by the Police since 2006 and takes an active part in workshops and seminars, and also teaches the basics of the Roma language and culture. The projects for the police force also include learning the basics of the Roma language and lectures on police powers in Roma communities.

46. In cooperation with the Slovenian Human Rights Ombudsman, the Police organised and implemented in June 2006 a training programme for identifying and dealing with stereotypes in a multiethnic society, which was attended by senior police officers. In 2007, the programme was certified and included in the catalogue of regular Police training. The training was aimed at increasing familiarity with the relevant international legal instruments and raising awareness of their significance for Police work and partner relations with the community, and learning about the cultural, ethnic, or other characteristics of different groups and communities. The Police will also cooperate with the Slovenian Office of the Human Rights Ombudsman in the future.

47. As regards social security, the Programme to Combat Poverty and Social Exclusion (2000) and the Joint Inclusion Memorandum (2003) put forward measures for the improvement of the situation of the Roma in respect of individual ministries. The Ministry of Labour, Family, and Social Affairs co-finances those programmes in the fields of social security and family that applied for annual tenders and met the application criteria. In 2006, four social security programmes by NGOs were co-financed, totalling about EUR 4,000, as well as five programmes in the area of family, amounting to EUR 6,898.26. In order to resolve the especially pressing Roma issue in Slovenia, five centres for social work were granted resources in September 2004 for employing five additional professional workers for an indefinite period of time.

Table 3

**Co-financing of social security programmes**

<i>Service provider</i>	<i>Programme</i>	<i>Co-financing (in euros)</i>
Regional Red Cross Society, Kočevje	Assistance to Roma	667.67
Regional Red Cross Society, Ribnica	Socialization of Roma	500.75
Society for educating and linking children – the MOZAIK Society	Barvice – activities with the Roma in Koželjeva ulica, Ljubljana	1 251.88
Society for the Development of Preventive and Voluntary Work	Support to the Roma community in the Krško municipality	1 711.41
<b>Total (in 2006)</b>		<b>4 131.71</b>

*Data source:* Ministry of Labour, Family and Social Affairs.

Table 4  
**Co-financing of family programmes**

<i>Service provider</i>	<i>Programme</i>	<i>Co-financing (in euros)</i>
Society of Allies for a Soft Landing, Krško	Counselling Roma parents	484.94
Centre for Development and Education, Nova Mesto	Let's Learn Together	556.19
Society for the Development of Voluntary Work, Novo Mesto	Together	2 610.85
Institute for Education and Culture, Črnomelj	Let's overcome the social exclusion of the Roma children and youth	1 070.56
Pomurje Institute for Education and Research	Counselling centre for Roma children and youth	2 175.71
<b>Total (in 2006)</b>		<b>6 898.26</b>

*Data source:* Ministry of Labour, Family, and Social Affairs.

48. The Ministry of Labour, Family, and Social Affairs and the regional offices of the Employment Service of Slovenia have been drawing up and implementing special active employment policy programmes for unemployed Roma for several years. The purpose of these special programmes is to increase social inclusion, preparation for employment, which includes education and training, and employment itself. Programmes of Roma employment in the period 2003–2006 have been adopted. A national public works programme “The Socialisation and Integration of Roma into the Local Community” was also launched, which included 7 unemployed individuals. The Ministry of Labour, Family, and Social Affairs allocated funds amounting to EUR 46,713.75 for the implementation of this programme. The Contracting Authority is the Employment Service of Slovenia, and the Service Providers are the social work centres in Brežice, Grosuplje, Kočevje, Krško, Metlika, Ribnica, and Trebnje. In 2005, 36 different public works programmes intended for Roma were underway in Slovenia. They included 111 unemployed persons, 77 of whom (69% of all persons involved) were Roma. The Ministry of Labour, Family, and Social Affairs earmarked EUR 397,271.20 for co-financing these public works programmes.

49. The Ministry of Labour, Family, and Social Affairs allocated funds within the EQUAL Community Initiative Programme in Slovenia for two development partnerships, the activities of which are aimed at members of the Roma community in the Republic of Slovenia – the Roma Employment Centre coordinated by the Škocjan Municipality, and the Roma Education Information Centre coordinated by the Mura Regional Development Agency. The crucial issue the Roma Employment Centre has been dealing with is how to include the Roma voluntarily and on the basis of their own personal interests into social and economic flows and thus to set up appropriate conditions for their equal integration at social and professional levels. The goal of the project was to develop new proposals for the Roma employment strategy and thus facilitate their entry into the labour market.

50. The pilot establishment of the public institution Roma Employment Centre, based in Novo Mesto, indicates that an umbrella body has been set up, which will on the one hand meet companies' needs as regards the Roma workforce as well as the needs of those companies who already employ Roma; and on the other hand, it will aim to inform, educate, and motivate Roma to seek employment and enter the labour market. The biggest

and most important task of the Roma Employment Centre is aimed at training Roma for work and employment, which is based exclusively on the needs of the companies that will be looking for labour force. In addition, it will conduct research into the labour market and public opinion. It will try to motivate employers to employ the Roma and inform them of their education and training possibilities, as well as to educate and motivate them to seek employment.

51. In accordance with the established project goals, the Roma Education Information Centre development partnership has designed curriculum to educate Roma mentors. Fifteen individuals were chosen to cooperate in the education process to qualify as Roma mentors. On the basis of the curriculum, a 6-month training programme was organised at which the participants gained additional knowledge in the fields of pedagogy, sociology, psychology, computer science, music education, Roma language and culture, fine arts education, Slovenian language, and work in educational institutions. An initiative for the establishment of a “Roma mentor” professional standard was presented to the National Institute for Vocational Education and Training. After several negotiations, the need for the establishment of two professional standards was defined – “Roma Coordinator”, with a lower level of requirements, and “Roma Assistant”, which is aligned with the tasks of pre-school teacher’s assistant. The professional standard has been entered into the Catalogue of Standards of Professional Knowledge and Skills since December 2006.

52. Among positive measures taken to the benefit of the Roma community, the preparation and adoption of the “Programme for children and the youth 2006–2016” is also worth noting. Within the framework of the programme area “special social issues”, the Programme also defines the care for children and the youth of ethnic groups (the Roma) as one of its objectives aimed at improving their social status and ensuring social inclusion into the broader environment, including appropriate health care. Annex III presents a broader overview of the activities undertaken by the Ministry of Health benefiting the Roma community.

### **Education of Roma children (para. 11)**

53. Slovenia has been making significant efforts for the integration of Roma children into pre-school institutions, elementary schools, and institutions of further education. The rights of the Roma community in the field of education are provided for by the following laws: the Organization and Financing of Education Act (Ur. l. RS, No. 98/05 – official consolidated text), the Preschool Education Act (Ur. l. RS, No. 100/05 – official consolidated text), and the Elementary School Act (Ur. l. RS, No. 70/05 – official consolidated text). In education, the Ministry of Education and Sport grants schools educating Roma children additional teaching hours for individual or group assistance. In the school year 2005/06, the Ministry granted 810 teaching hours weekly for this purpose. Furthermore, the reference standard for the formation of classes which also include Roma pupils is lower than that for ordinary classes.

54. For Roma pupils, the Ministry has been allocating additional funds for teaching materials, expenses resulting from activities and excursions, and subsidised school meals, while schools provide textbooks for Roma children through textbook funds. The Ministry also provides scholarships for all Roma students engaged in teaching studies. Approximately forty pre-school institutions in Slovenia are attended by pre-school Roma children: the majority are in the Dolenjska, Posavje, Bela krajina, Štajerska, and Prekmurje regions. They are integrated in Slovenian pre-school institutions in three different ways. The majority are integrated in ordinary groups, fewer in special Roma groups consisting of Roma children only, and there is one pre-school institution with Roma children only.



55. Data on Roma children in pre-school groups attended only by Roma children (homogenous groups) in 2005:

Table 5  
**Preschool groups attended only by Roma children**

<i>Preschool Institution at elementary school</i>	<i>The preschool institution</i>	<i>The preschool institution of B. Peče</i>	<i>The preschool institution Pedenjped</i>	<i>The preschool institution of O. Župančič</i>	<i>The preschool institution Murska</i>	<i>The preschool institution</i>
<i>Črenšovci</i>	<i>Lendava</i>	<i>Maribor</i>	<i>Novo Mesto</i>	<i>Črnomelj</i>	<i>Sobota</i>	<i>Ribnica</i>
<i>Average no. of children</i>	<i>Average no. of children</i>	<i>Average no. of children</i>	<i>Average no. of children</i>	<i>Average no. of children</i>	<i>Average no. of children</i>	<i>Average no. of children</i>
10	14	6	28	12	28	No group

56. 1,608 Roma children attended elementary schools in the 2005/06 school year. There are no longer any homogenous classes attended only by Roma children. Roma children are no longer educated in vocational centres for adults, while some adult Roma who did not finish primary education are educated there.

57. In 2000, the new Placement of Children with Special Needs Act (Ur. l. RS, No. 54/00) was adopted, which changed the criteria for the placement of children. One of the results of the endeavours of the Ministry and the expert commissions which decide on the placement of children in compliance with the law is a lower percentage of Roma children attending elementary schools with adapted curriculum. In the 2001/02 school year, 10.27% of Roma pupils attended such schools, while in 2005/06 there were 7.15% of such pupils.

58. In 2004, the Ministry adopted the Strategy for the Education of Roma in the Republic of Slovenia. The special working group for the preparation of the strategy for the integration of Roma in education comprised experts in the areas of pre-school to adult education and representatives of the Ministry of Education, Science, and Sport, the Union of Roma of Slovenia, and the National Education Institute. The document provides the basis for further measures in the education of Roma, and also contains an analysis of the situation to date and the Ministry's measures, a review of key unresolved issues, and proposals for their resolution (e.g. the inclusion of Roma children in pre-school institutions, the elimination of prejudice, permanent professional teacher training, etc.). The strategy paper also covers the education of Roma from pre-school to adult education. The Union of Roma of Slovenia was involved throughout the process of formulating this document, and will also be engaged in its implementation. As some goals are set for a long term period, the document foresees the preparation of action plans for individual fields.

59. The following are the most important solutions contained in the Strategy:

- Early integration into the education system: The integration of Roma children into pre-school institutions at least two years before their enrolment in elementary schools, i.e. when they are four years of age at the latest. The purpose of the integration of Roma children into pre-school institutions is language learning (both Slovenian and Roma) and their socialisation in an educational institution providing experience and models facilitating the integration of Roma children into elementary schools.
- Roma assistants: The lack of knowledge of the Slovenian language and the unsuccessful integration of children may be overcome or alleviated by employing a Roma assistant who will help children overcome the emotional and linguistic

barriers and represent a bridge between pre-school institutions and schools, on the one hand, and the Roma community, on the other.

- Adaptation of the curriculum: Introduction of elective Roma language course in elementary schools, the Slovenian language course, identifying objectives (e.g. multiculturalism) and knowledge standards in curricula, which are to be achieved through contents taken from Roma culture, history, and identity.
- The provision of permanent in-service training and additional education programmes for professionals working with the Roma.
- Specific forms of organisation and material conditions: To at least maintain the current standards; further financial support and assistance from the Ministry of Education and Sport.
- No segregated, non-homogenous classes; the application of the legally prescribed forms of individualisation, internal and flexible differentiation, ability grouping; different forms of learning assistance.
- Confidence-building in school and the elimination of prejudices (a special school scheme defining the activities of communication and cooperation with parents of Roma children and a scheme for identifying and continuously removing the stereotypes and prejudices that occur among the majority population in relation to Roma pupils).
- Roma elementary school students as an ethnic group are not pupils with special needs (pupils' poor school performance, which results from a lack of knowledge of the language of instruction or from the specific features of Roma culture, cannot serve as a basis for sending these children to programmes with lower educational standards).
- Adult education: The starting point for identifying adult Roma education objectives are the basic goals set out in the National Programme of Adult Education in the Republic of Slovenia until 2010 (to improve the general education level of the adult population, whereby four years of secondary schooling is the minimum educational standard, to increase the employability of the adult population and their participation in lifelong learning). Particular attention is devoted to the education of adult Roma with a view to improving their level of education and developing human resources; establishing consultancy centres or networks in areas inhabited by Roma; introducing the institution of the Roma coordinator; introducing special norms and standards for programmes attended by adult Roma; and providing funds for participation in various programmes and for learning assistance, both available free of charge to the participants.

60. Each year, the strategy was followed by action plans, i.e. in 2005, 2006, and 2007. These action plans foresee the activities of the Ministry of Education, the Union of Roma, public institutes, schools, etc., regarding, for example, the financing of the work of Roma assistants, participation in the drafting of the syllabus for an elective subject in Roma culture which was formulated by the National Education Institute, and participation in the formulation of the occupational standard for Roma assistant and coordinator. On the basis of action plan, the following activities were carried out in 2007: An elective subject in Roma culture was formulated and endorsed; the occupational standard for Roma Assistant was formulated and adopted; and intercultural co-existence programmes were formulated and carried out by the Union of Roma, as well as additional teacher training carried out by the National Education Institute and National Institute for Vocational Education and Training.

61. The Ministry of Education and Sport formulated a draft project which will be financed from the EU structural funds and which will transfer strategy solutions into practice (e.g. the introduction of a Roma assistant in educational institutions; the formulation of curricula and the preparation of teaching materials, etc.). The Ministry of Education and Sport will work together with other relevant ministries and institutions in settling the issues which exceed the problem of education but nevertheless affect education. The Ministry will also continue to provide support for research and development projects that promote measures in compliance with this strategy.

62. Between 2003 and 2005, the Ministry co-financed the research and development project entitled "Ensuring Equal Opportunities in Education for Roma Children and Their Families"; the project was implemented by the Educational Research Institute in individual elementary schools. In summer 2006 the research and development project entitled "Standardization of the Roma Language in Slovenia and Inclusion of Roma Culture in Education" concluded, which was implemented by the Faculty of Education of the University of Ljubljana and represents a step towards the resolution of the issues of the Roma language use in the educational process. This is one of the issues that need to be resolved in order to ensure the integration of the Roma, to reduce the prejudices of the non-Roma population, increase the number of Roma secondary school students and apprentices with secondary or even university education, and ensure adequate Roma personnel in pre-school institutions and schools. As the Roma language has not been standardized, it cannot be used as a language of instruction.

63. The results of research projects will be used by the Ministry of Education and Sport for the implementation of tasks set in the Strategy for the Education of the Roma in the Republic of Slovenia. Currently (the beginning of October 2006 to the end of September 2008), a project entitled "Resolving Roma Issues in Slovenia with a Focus on the Social Inclusiveness of the Roma in the Educational System" has been underway at the Faculty of Social Sciences within the framework of target research programmes.

### **Selected practical examples (para. 12)**

64. The provision of Article 63 of the Constitution of the Republic of Slovenia stipulates that any incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious or other hatred and intolerance are unconstitutional. Articles 141 and 300 of the Criminal Code of the Republic of Slovenia stipulate sanctions for the criminal offences of inciting unequal treatment on the grounds of ethnic, racial, religious, or other affiliation, and inflaming ethnic, racial, religious, or other hatred and intolerance.

65. Any incitement to violence and war is unconstitutional. Article 5 of the Legal Status of Religious Communities Act stipulates that the abuse of religion, religious ceremonies, and religious instruction for political purposes, as well as the incitement or inflaming of religious intolerance, hatred, or strife is prohibited. The Societies Act stipulates that it is not possible to establish a society under this act, if its operation is aimed at the unlawful destruction of the constitutional order or at committing criminal offences, or if it incites unequal treatment on the grounds of ethnic, racial, religious, or other affiliation, and inflames ethnic, racial, religious, or other hatred, and intolerance or incites violence and war. Article 8 of the Public Media Act stipulates that the media is prohibited from inciting ethnic, racial, religious, gender, or other inequality, violence, and war, as well as from inflaming ethnic, racial, religious, gender, or any other hatred, and intolerance.

66. The competent police services monitor all cases of suspected racism and racial discrimination among police officers and take all the required statutory measures, collect all the necessary information, and establish whether there are grounds for the suspicion that a criminal offence under Articles 141 or 300 of the Criminal Code was committed. On the

basis of the collected information, the competent State Prosecutor's Office is notified by means of a report. In the 2004–2006 period, the competent departments of the Police thus dealt with three cases where there were grounds for suspicion that police officers had committed the criminal offence of violation of the right to equality under Article 141 of the Criminal Code. As the collected information provided no basis for a criminal complaint, the competent state prosecutor's offices were submitted reports in accordance with Article 148, paragraph 10, of the Criminal Procedure Act. During this period, the competent department of the Police dealt with no criminal offences involving the incitement of ethnic, racial, or religious hatred, strife, or intolerance as determined by Article 300 of the Criminal Code that were allegedly perpetrated by police officers.

67. With some of their decisions, the Constitutional Court of the Republic of Slovenia and the European Court of Human Rights have taken the position that internal investigations of criminal offences of which police officers are suspected are not independent, unbiased, and effective. In 2007, the National Assembly adopted an amendment to the State Prosecutor Act on the proposal of the Government of the Republic of Slovenia, which stipulates that within the group of state prosecutors assigned to prosecute organized crime — which has been functioning under the Supreme State Prosecutor's Office of the Republic of Slovenia — a specialised department will be established with exclusive territorial and subject-matter jurisdiction for the prosecution of all criminal offences committed by officials employed by the Police. In this manner, Slovenia will try to ensure the unbiased and effective investigation of criminal offences committed by those employed by the Police. The department assumed operations on 1 November 2007.

68. From 2006 until June 2007, the Slovenian Police did not investigate any case of suspected criminal offences of unequal treatment under Article 141 of the Criminal Code of the Republic of Slovenia. In the same period it investigated seven cases involving the suspected criminal offence of provoking or stirring up ethnic, racial or religious hatred, strife or intolerance as determined by Article 300 of the Criminal Code of the Republic of Slovenia, five in 2006, and one in 2007; three criminal offences were committed with regard to Roma in 2006 and one in 2007. The Police filed criminal complaints against seven suspects with the competent State Prosecutor's Office. In 2006, 80% of the investigations of such criminal offences were concluded, while in the first half of 2007, 50% of such investigations were concluded.

69. Police officers carry out tasks defined in Article 3 of the Police Act and exercise powers and implement measures on the basis of the Police Act, the Protection of Public Order Act, the Public Gatherings Act, the Road Traffic Safety Act, the Minor Offences Act, the Criminal Procedure Act, the Rules on Police Powers, and other regulations. If grounds exist for the suspicion that a criminal offence subject to public prosecution has been committed, internal affairs agencies are obliged to take the steps necessary to discover the perpetrator, to ensure that the perpetrator or any accomplices do not go into hiding or flee, detect and preserve evidence of crime or objects of value as evidence, and collect all information that may be useful for the successful conduct of criminal proceedings (Article 148, paragraph 1, of the Criminal Procedure Act). The Police thus investigate all criminal offences and minor offences, regardless of the ethnic, religious, or other affiliation of the perpetrators.

70. On 6 July 2006, the Protection of Public Order Act was published in the Official Gazette of the Republic of Slovenia (Ur. l. RS, No. 70), which entered into force on the fifteenth day after its publication, on 21 July 2006. On the day of its entry into force, the previous Act on Criminal Offences Against Public Order and Peace from 1974 ceased to apply. Article 20 of the new Act stipulates that, when criminal offences referred to in Articles 6, 7, 12, 13, and 15 of this Act are committed in order to incite ethnic, racial,

gender, ethnic, religious, or political intolerance or intolerance concerning sexual orientation, the perpetrator shall be fined at least SIT 200,000 (currently EUR 834,59). Since the Act entered into force, the Police have been imposing fines for minor offences through which the perpetrators have been expressing various types of intolerance. In the period between 21 July 2006 and 31 December 2006, the Police investigated 13 minor offences under the provisions of Article 20 of this Act, while in the period between 1 January 2007 and 30 September 2007 they investigated 25 minor offences.

71. In this delicate area of legal regulation, the Human Rights Ombudsman's Office has been highly effective. Since its establishment, it has been drawing attention to the unresolved systemic issues and summarizing the typical characteristics of concrete cases in the form of descriptions of the selected cases for publication in its annual reports. From the Human Rights Ombudsman's reports, cases were selected relating to the following topical issues: the education of Roma children and hate speech on websites. The ombudsman's annual reports with descriptions of selected cases are available in Slovenian and English on the website of the Human Rights Ombudsman's Office.

### **Selected cases from the Ombudsman's reports**

#### *The issue of the education of Roma children in the Bršljin Elementary School<sup>b</sup>*

72. In a telephone conversation at the end of January, the principal of the Bršljin Elementary School outlined to the Ombudsman the growing intolerance among the residents living in the school district towards the members of the Roma community. Parents of children of Slovenian ethnicity started to oppose the education of Roma children in this school, claiming that there were too many. The data show that in the school year 2004/05, 624 pupils were educated at the school, among them 84 of Roma ethnicity. At the beginning of March, a representative of the Roma community had a telephone conversation with the Ombudsman and acquainted him with the preparations for protests; it has been said that the parents of children of Slovenian ethnicity in the Bučna Local Community would not send their children to school as long as so many Roma children were being educated at this school. The principal acquainted the competent municipal bodies and the Ministry of Education and Sport with the problem and the latter took active measures to resolve the situation. In a short period of time, a draft model of educational work was prepared in cooperation with the school, and instruction in accordance with this model commenced. After the beginning of the school year 2005/06, the Ombudsman's colleagues tried to obtain an assessment of such instruction conducted in line with the model of the previous school year. In its response, the school emphasized that the draft model of educational work in the Bršljin elementary school represented the fundamental document for the reformulation of the entire programme of life and work in the school. The model for effective teaching and learning aimed at raising the school performance of an individual student was introduced as an innovation project in the school year 2005/06. From a substantive point of view, this entails the introduction of relevant forms and methods of instruction and activities for the optimum development of each pupil; as regards implementation, this entails individual or group assistance and additional technical assistance for all pupils that demonstrate increased need. The school has devoted more attention to additional professional teacher training and training for other experts, while particular emphasis has been placed on continuous analysis of problems in the communication between them and pupils and parents. The project is adequately professionally managed in cooperation with an external counsellor. It is thus not possible to

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<sup>b</sup> The description of the case from the Ombudsman's annual report is supplemented with comments and additional explanations by the Ministry of Education and Sport.

claim that the school segregates Roma children on the basis of ethnic affiliation. Nonetheless, several complaints have been recorded.

73. One of the biggest issues facing the schools is the sporadic attendance of Roma pupils, which often results in a lack of knowledge and mastery of subjects, as well as in difficulties in catching up with other pupils. The reasons for absences from school vary between schools, one of them being the more frequent illnesses of Roma children as a consequence of the poor sanitary and hygiene conditions in Roma settlements. The position of the schools is that the relevant (health and social) services should improve their cooperation and action. Another issue is the lack of motivation to learn among Roma children or the Roma in general. The school believes that an effective method would be to acquaint people of Roma and Slovenian ethnic origin with both cultures and languages and teach Roma children the language of the majority population, which would reduce their problems at the beginning of elementary school and gradually improve the attitude of the Roma community to education and school in general.

74. At the national level, a number of projects (various materials, materials for an elective subject in Roma culture) and Roma assistants in schools attended by a larger number of Roma pupils will be financed in 2008 from EU structural funds. The Bršljin Elementary School is one of them.

#### *Hate speech on the web*

75. An anonymous message drew the Ombudsman's attention to a website with a number of texts and messages containing extremely negative statements regarding a certain group of people who are residents of Slovenia. A quick glance at the website confirmed that the content entails the incitement, inflaming, and dissemination of ideas contrary to the constitutional prohibition of incitement to unequal treatment and intolerance under Article 63 of the Constitution. This specific article stipulates that any incitement to national, racial, religious or other discrimination and the inflaming of national, racial, religious or other hatred and intolerance are unconstitutional. Any incitement to violence is unconstitutional as well. Such treatment is prohibited also by a number of international conventions on the protection of human rights, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Pact on Civil and Political Rights. A copy of the initiative was submitted for informative purposes and further consideration to the District State Prosecutor's Office in Ljubljana, due to the Criminal Code determining the criminal offence of stirring up ethnic, racial or religious hatred, strife or intolerance in its Article 300. An act entailing the commission of this criminal offence is specifically the incitement or inflaming of ethnic, racial and religious hatred, strife, or intolerance and the dissemination of ideas on the supremacy of one race over another. The Ombudsman knows neither the author of these messages nor the author or owner of the website. Furthermore, the territorial origin of the website and its contents are also not known; however, apparently the messages are being produced currently and in Slovenia. The information of the Ombudsman is incomplete. Therefore, the Ombudsman suggested that the matter be investigated by the competent district state prosecutor's office from the aspect of the possibility of a criminal offence under Article 300 or some other article of the Criminal Code. The Head of the District State Prosecutor's Office in Ljubljana responded that the warning regarding the website can be considered to be a criminal complaint against an unknown perpetrator for the suspected criminal offence of the incitement to hatred, strife, or intolerance, based on a violation of the principle of equality under Article 300, paragraph 1, of the Criminal Code. The case was submitted to the Police in order for it to take all necessary measures to trace the perpetrator.

76. In 2007, the Slovenian Police dealt with almost 19 reports of the suspicion of the criminal offence of stirring up ethnic, racial, or religious hatred, strife, or intolerance under

Article 300, paragraph 1, of the Criminal Code of the Republic of Slovenia, committed through the internet. The reports were filed by anonymous persons, through the non-governmental organization "Spletno oko". In four cases the Police filed criminal complaints with the relevant State Prosecutor's Office, and in three cases a criminal complaint in accordance with Article 148, paragraph 10, of the Criminal Procedure Act, as the grounds for filing a criminal complaint did not exist. Other reports were duly recorded by the Police and are still being investigated. In two cases the Police have already established a lack of grounds for the suspicion that a criminal offence was committed and have already notified the NGO "Spletno oko" of the matter; in two cases foreign security authorities were informed of the inappropriate content, as the message was published on foreign websites.

### **Case law**

#### *Judgement of the Lendava Local Court of 27 December 2005*

77. Criminal offence: Stirring up ethnic, racial or religious hatred, strife, or intolerance under Article 300, paragraph 1, of the Criminal Code of the Republic of Slovenia and injurious accusation under Article 171, paragraph 1, of the Criminal Code with reference to Article 178, paragraph 2, of the Criminal Code of the Republic of Slovenia.

Judgement: Suspended sentence imposing an aggregate sentence of 6 months imprisonment on the defendant; the sentence, however, will not be executed if the perpetrator does not commit another criminal offence within a year.

Factual situation: The defendant sent a message to a web forum from his home computer with the following content: "We would need Hitler!!! All gypsies must be killed!!!" thus inciting ethnic intolerance of Roma citizens. He committed the criminal offence of injurious accusation by drawing up at home a message for the Mayor containing elements of the criminal offence of injurious accusation and e-mailed the message entitled 'The Invasion of Lendava by Roma' to a web forum.

#### *Judgement of the Supreme Court of the Republic of Slovenia of 7 November 2006*

78. The plaintiff, of Macedonian nationality, did not succeed in a labour dispute initiated against the employer. The Supreme Court of the Republic of Slovenia confirmed the judgements at the first and second instances on the grounds that the mere fact that someone else got the job did not prove discrimination. The fact that the respondent's secretary asked the plaintiff which music academy he had graduated from did not prove discrimination on the basis of ethnic origin. The respondent stated in defence that they decided not to give the job to the plaintiff because it was questionable whether he would be able to perform his obligations given the additional activities in which he was engaged according to his own statement. By employing a candidate who did not fulfil the required conditions, the respondent violated regulations other than those aimed at countering discrimination.

### **Administrative barriers to acquiring Slovenian citizenship (para. 13)**

79. The majority of citizens of other successor states to the former SFRY regulated their citizenship status on the basis of an application to acquire Slovenian citizenship under the conditions stated in Article 40 of the Citizenship of the Republic of Slovenia Act. The conditions for acquiring citizenship were only two: permanent residence in the Republic of Slovenia on the date of the plebiscite of independence (23 December 1990) and the fact that they actually lived in Slovenia. The deadline for filing the application was six months after the entry into force of the Act. According to the data of the Ministry of the Interior as at 31 October 2007, 171,135 applications had been granted (for more details see the Initial Report of the Republic of Slovenia on the Implementation of the Convention). In 2002, the

Act Amending the Citizenship of the Republic of Slovenia Act was adopted, facilitating the acquisition of Slovenian citizenship for all foreigners (Article 19, transitional provision) who had had permanent residence in the Republic of Slovenia on 23 December 1990 and had lived in Slovenia without interruption since that date. According to Article 19 of the Act Amending the Citizenship Act, the deadline for applications expired on 29 November 2003; 2,959 applications had been filed and 1,753 aliens were granted Slovenian citizenship on the basis of the above provision.

### **The situation of persons without Slovenian citizenship (para. 14)**

80. The problem of persons referred to as “the erased” originates from the period of Slovenia gaining independence. Upon independence, the laws on citizenship and on foreigners were adopted, among other independence laws, thus establishing the body of citizens of the new state. The Citizenship of the Republic of Slovenia Act enabled all citizens of other republics of the former SFRY with registered permanent residence in Slovenia on the date of the independence referendum (23 December 1990) and who had actually lived there since that date to apply for Slovenian citizenship within 6 months (i.e. until 25 December 1991). 171,135 persons were thus granted Slovenian citizenship (on the basis of Article 40 of the Citizenship of the Republic of Slovenia Act) who also retained their former citizenship, since relinquishing one’s former citizenship was not a condition at that time.

81. The 1991 Aliens Act defined the term alien and regulated when the provisions of the Aliens Act began to apply to the citizens of other republics of the former SFRY. The provisions of the Aliens Act began to apply to the citizens of other republics of the former SFRY who had not applied for Slovenian citizenship on 26 February 1992. On the basis of this Act they were able to acquire a residence permit in the Republic of Slovenia. The great majority of citizens of other republics of the former SFRY who had decided not to apply for Slovenian citizenship but to continue to live in Slovenia did so.

82. On the date when the provisions of the Aliens Act began to apply to citizens of other republics of the former SFRY with registered permanent residence in the Republic of Slovenia, the registration of permanent residence terminated since the Register of Permanent Residents only contained data on citizens of the Republic of Slovenia who had permanent residence in a certain municipality. The permanent residents records were regulated by the Permanent Residence and Population Registry Act and its implementing regulations. The citizens of the republics of the former SFRY were able to register their residence on the basis of their previously acquired residence permit. Those citizens of other republics of the former SFRY whose permanent registration had terminated and who had not obtained a residence permit remained recorded as aliens without a residence permit; they were referred to in the public as the ‘erased persons’ although none of them were actually ‘erased’ by any Slovenian authority.

83. As at 26 February 1992, there were 18,305 citizens of other republics of the former SFRY in the Register of Permanent Residents who had not applied for citizenship under Article 40 of the Citizenship of the Republic of Slovenia Act and whose registration of permanent residence had terminated. The state became aware of the delicate and problematic situation of this group of people. In 1999, the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia was adopted, which provided for the acquisition of permanent residence permits in the Republic of Slovenia under new, more favourable conditions than those stipulated in the Aliens Act for the period after 26 February 1992. The only condition for acquiring such permit under this Act was that the applicant had actually lived in the Republic of Slovenia since 23 December 1990 or 25 June 1991. By 31 December 2007, 13,396 applications for the issuance of a



permanent residence permit had been filed under the Act. In 12,262 cases the applications were granted and permanent residence permits were issued to citizens of successor states to the former SFRY.

84. An analysis was carried out regarding the data on persons for whom it had been established, on the basis of the Register of Permanent Residence, that their status had not yet been regulated. It was established that these were either persons who had left the country, had relinquished Slovenian citizenship, or had died. 4,205 persons with unregulated status remained who could not register their residence. The analysis was repeated in January 2006. The results showed that 4,090 persons without status remained in the Register.

85. Official records show that most citizens of other successor states to the former SFRY that still live in the Republic of Slovenia have resolved their status. This is also evident from the number of applications for a permanent residence permit that have been filed under the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia since 2003, when a new deadline was set for filing applications. 317 applications had been filed until 31 December 2007. On the basis of these data, it may be concluded that the remaining persons no longer live in the Republic of Slovenia.

86. The Constitutional Court assessed the constitutionality of the Act and in its decision No. U-I-246/02-28 of 3 April 2003 ruled that the legislature was obliged to remedy the established non-conformity with Slovenia's Constitution (since the Act does not recognize permanent residence to the citizens of other republics of the former SFRY whose permanent residence registration expired on 26 February 1992; the Act does not regulate the acquisition of a permanent residence permit by those citizens of successor states to the former SFRY who were deported from the country and furthermore does not stipulate the criteria for establishing the undefined legal term of "actual residence").

87. With the intention to finally regulate the status of persons whose permanent residence registration in Slovenia had terminated, the Government of the Republic of Slovenia established, on 30 October 2007, the text of a draft constitutional law amending the Constitutional Act Implementing the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia and submitted it to the Slovenian National Assembly for consideration.

88. The newly proposed law amends Article 13 of the Constitutional Act Implementing the Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia (1991), which stipulates that citizens of other republics of the SFRY who had registered permanent residence in the Republic of Slovenia on 23 December 1990 and actually lived in Slovenia at that time, held the same rights and were subject to the same obligations as the citizens of the Republic of Slovenia (except for the purchase of immovable property) up to the date when the provisions of the Aliens Act became applicable to them.

89. The draft constitutional law lays down the conditions under which citizens of other successor states to the former SFRY may obtain a permanent residence permit in the Republic of Slovenia if they have not yet done so, and the conditions under which the permanent residence permit may be granted to their minor children. The draft law further stipulates which citizens of other successor states to the former SFRY who have already acquired a permanent residence permit in the Republic of Slovenia are entitled to a permit with retroactive effect and from which date. The draft constitutional law also defines the legal term of actual uninterrupted residence in the Republic of Slovenia, which had not been defined thus far and which is stipulated as a condition for obtaining a permanent residence permit; it also provides for absences from the Republic of Slovenia that do not affect the actual uninterrupted residence. Moreover, it regulates the registration of

permanent residence with retroactive effect in respect of the citizens of other successor states to the former SFRY who are to be issued with such a permit with retroactive effect.

90. The above mentioned facts prove that the citizens of other successor states to the former SFRY were given numerous opportunities to regulate their status in the Republic of Slovenia, both for the acquisition of Slovenian citizenship and for obtaining a residence permit in the Republic of Slovenia. Immediately after Slovenia's declaration of independence, the Citizenship of the Republic of Slovenia Act provided for the acquisition of Slovenian citizenship under extremely favourable conditions. Furthermore, the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia still enables them to acquire a permanent residence permit under equally favourable conditions. Lastly, the amended Citizenship of the Republic of Slovenia Act from 2002 again enabled them to acquire Slovenian citizenship under favourable conditions.

### **Consultations with civil society organizations (para. 15)**

91. In February 2008, the Ministry of Foreign Affairs organised a meeting with representatives of non-governmental organisations and presented the draft report. The representatives of the non-governmental organisations pointed to the need for a comprehensive national strategy to combat discrimination in the Republic of Slovenia and to the fact that neither an appropriate central authority had been set up nor an institution designated at the national level. They stressed that in practice the implementation of the adopted normative acts and strategies is questionable, especially regarding the participation and status of "new" minorities, discrimination against the Roma, and the status of the "erased" persons in Slovenia who had already initiated proceedings for the protection of their rights before the European Court of Human Rights. The representatives of the non-governmental organisations were critical of certain parts of the report and mentioned the possibility of drafting a shadow report.

92. As regards cooperation with civilian movements, the cooperation between the Slovenian Police and two Slovenian NGOs fighting discrimination and xenophobia should also be mentioned. These include the Mirovni inštitut [Peace Institute] and Spletno oko [Web Eye]. The Slovenian Police receives suggestions on how to improve its work and crime reports from these NGOs. Furthermore, it regularly provides them with data on resolved and investigated cases and with periodic reports on the relevant situation in Slovenia. Websites with relevant data may be found at:

- The Slovenian Police: <http://www.policija.si/portal/>
- Spletno oko [Web Eye]: <https://www.spletno-oko.si/>
- Mirovni inštitut Ljubljana (Peace Institute, Ljubljana): <http://www.mirovni-institut.si/>

### **Measures for the implementation of the Durban Declaration (para. 16)**

93. The implementation of the Durban Declaration is in terms of substance dealt with at the national level particularly by: the Council for the Implementation of the Principle of Equal Treatment, which started operating on the basis of the Implementation of the Principle of Equal Treatment Act as an expert and consultative body of the Slovenian government, the Office of the Human Rights Ombudsman, and the Interministerial Working Group for Human Rights, which functions within the Slovenian Foreign Ministry. When prosecuting criminal offences related to racism, xenophobia, and racial or religious discrimination, the Slovenian Police carry out tasks as defined by the Criminal Procedure

Act (Criminal Code of the Republic of Slovenia, Article 300). In addition, the Slovenian Police have carried out actions for raising awareness of multicultural co-existence. With regard to such, police officers were given “leaflets” containing instructions and advice on how to behave in a multicultural society and on promoting respect for the different religions and cultures in the country.

94. The Police also carry out coordinated preventative activities in cooperation with the non-governmental organisations the Mirovni inštitut and Spletno oko. In addition to raising the awareness of Slovenian police officers with regard to proper conduct in a multicultural society, victims of potential abuse of powers by a police officer also have the possibility to initiate a complaint procedure against such a police officer, which is conducted and dealt with by a panel of the Ministry of the Interior, composed of external and internal experts. A potential victim of excessive use or abuse of police powers may also initiate criminal proceedings by reporting the perpetrator to the Police or directly to the State Prosecutor’s Office.

95. The Republic of Slovenia consistently transposes provisions that, in terms of substance, entail the implementation of the Durban Declaration, into positive legislation. The provision of Article 63 of the Constitution of the Republic of Slovenia stipulates that any incitement to national, racial, religious, or other discrimination, and the inflaming of national, racial, religious, or other hatred and intolerance are unconstitutional. Any incitement to violence and war is unconstitutional.

96. In the period after 2003, qualitative changes were made at the systemic level of harmonisation with the EU *acquis*, as Slovenia became an EU Member State in May 2004. The transposition of the Racial Equality Directive (Directive 2000/43/EC) required the adoption of the Implementation of the Principle of Equal Treatment Act, which entered into force on 22 April 2004. The Act extended the competence of the Advocate for Equal Opportunities of Women and Men to include that of the Advocate of the Principle of Equal Treatment. The latter deals with written initiatives on alleged equal treatment violations within the Office for Equal Opportunities. The procedure is informal and free of charge. At the end of the procedure, the Advocate issues a written opinion on the case and calls on the alleged offender to report on the progress in remedying the unlawfulness. In the event that an offender fails to remedy the unlawfulness, the Advocate submits a written report to the competent inspectorate. The Advocate draws up annual reports on his/her work, which are published on the web page of the Office for Equal Opportunities. The Act provided the basis for the establishment of the Council of the Government for the Implementation of the Principle of Equal Treatment as an expert and consultative body in 2005.

97. The legal instruments listed below were adopted more recently and include special provisions relating to the prohibition of discrimination, the prohibition of incitement to intolerance, and the integration of aliens:

***Radiotelevizija Slovenija Act (Ur. l. RS, No. 96/2005)***

*Article 5*

In their work, the journalists, and editors of RTV Slovenia and other persons directly involved in the creation and planning of RTV programmes shall:

- Respect the principles of authenticity, impartiality, and the comprehensive character of information
- Respect human integrity and dignity
- Respect the principles of political balance, worldviews, and pluralism

- Respect the principles of constitutionality and legality in planning programmes, including the prohibition of inciting cultural, religious, sexual, racial, national, or other intolerance

**Personal Data Protection Act, Ur. I. RS, No. 86/2004, 5 August 2004 (Prohibition of discrimination)**

*Article 4*

The protection of personal data shall be guaranteed to every individual irrespective of nationality, race, skin colour, religious belief, ethnicity, sex, language, political or other conviction, sexual orientation, material standing, birth, education, social status, citizenship, place or type of residence, or any other personal circumstance.

**Societies Act, Ur. I. RS, No. 61/2006, 13 June 2006**

*Article 3 (Limitations)*

- (1) The founding of a society whose purpose, objectives, or activities are aimed at a forcible change in the constitutional order, the perpetration of criminal acts, or encourage national, racial, religious, or other inequality, inflame national, racial, religious, or other hatred and intolerance, or incite violence or war is not permitted.
- (2) A society may also not be founded for the purpose of making profit or for the exclusive purpose of gainful activity, and the operation of such a society shall not be permitted.

*Article 41 (Prohibition of the functioning of a society)*

- (1) A society that carries out an activity referred to in Article 3 of this Act shall have its functioning prohibited by court order.
- (2) Administrative authorities and bearers of public authority that learn of the reasons referred to in the preceding paragraph in the performance of their duties must file a report on such activities of a society with the state prosecutor.
- (3) If on the basis of a report filed by authorities or bearers of public authority referred to in the preceding paragraph, the state prosecutor or a natural or legal person assesses ex officio that such grounds exist, such person must initiate proceedings before the Administrative Court of the Republic of Slovenia for the prohibition of the functioning of such a society.
- (4) The procedure for the prohibition of a society's functioning is treated as a priority matter.
- (5) The provisions of the preceding paragraphs of this article do not apply to cases involving the criminal liability of a society for a criminal offence according to regulations governing the liability of legal persons for criminal offences.

**Religious Freedom Act, Ur. I. RS, No. 14/2007 of 16 February 2007**

*Article 3 (Prohibition of discrimination, inflaming religious and other hatred and intolerance)*

- (1) Any incitement to religious discrimination, inflaming of religious hatred, and intolerance shall be prohibited.

(2) Any direct or indirect discrimination on the basis of religious belief, expression, or exercise of such belief shall be prohibited.

(3) Any difference regarding treatment on the basis of religious belief in the employment and work of religious and other employees of churches and other religious communities shall not constitute discrimination if due to the nature of the professional activity in such church or other religious community or due to the context in which it is carried out, the religious belief constitutes an essential legitimate and justifiable professional requirement with regard to the ethics of the church or other religious community.

## **Aliens Act**

Unofficial consolidated text (ZTuj-1-NPB4), Ljubljana, 15 January 2008

## **Chapter X**

### **Integration of aliens**

#### *Article 82 (Assistance in the integration of aliens)*

(1) The Republic of Slovenia shall ensure conditions for the inclusion of aliens who have a permit for residence in the Republic of Slovenia in the cultural, economic and social life of the country. In relation to this, it shall, in particular:

- Organise courses in the Slovene language for aliens
- Organise courses and other forms of further education and professional training for aliens
- Provide information necessary for the inclusion of aliens in Slovene society, particularly with regard to their rights and obligations, and opportunities for personal and social development
- Acquaint aliens with Slovene history, culture and constitutional order
- Organise joint events with Slovene nationals for the purpose of promoting knowledge of each other and mutual understanding

(2) National and other bodies, organisations and associations shall co-operate in particular with:

- Competent bodies – for the purpose of promoting the more rapid inclusion of aliens in the cultural, economic and social life of Slovenia
- International organisations – for the purpose of addressing issues relating to the migration and integration of aliens

(3) Within their overall operations, national and other bodies, organisations and associations shall ensure protection against any type of discrimination against aliens based on racial, religious, national, ethnic or other types of difference.

(4) The Government of the Republic of Slovenia shall issue a regulation determining the manners of providing and implementing the conditions for the integration of aliens.

### **Public access to the reports of the Republic of Slovenia (para. 17)**

98. The Sixth and Seventh Reports of the Republic of Slovenia will be published on the website of the Ministry of Foreign Affairs of the Republic of Slovenia.

### **Drafting periodic reports (para. 18)**

99. From the period when the Fifth Periodic Report was defended to the point when this text was submitted, qualitative changes were made at the systemic level of legislation harmonisation with the EU acquis and the prohibition of discrimination at the normative level, and in ensuring the legal basis for the protection of the Roma community in 2007 that was included in this report.

## Annex I

### **Dr. Miran Komac: the Republic of Slovenia's approach to the protection of national minorities**

#### **Summary of the study on the status of minorities in Slovenia**

1. It is clear from the documents drafted during the period of Slovenia gaining independence that Slovenia's fundamental role is to preserve, promote, and develop the Slovenian nation in all its state dimensions (the nation of "origin", Slovenian minorities in neighbouring countries, Slovenian workers abroad, and emigrants). Only limited records about the other members of the Slovenian nation can be found in these documents. The majority of such records concern the Italian and Hungarian minorities. Commitments regulating the situation of the members of other nations of the former Yugoslavia are rudimentary. Modest provisions can only be found in the Statement of Good Intentions, which stipulates in paragraph 2 (1):

2. "The Slovene state guarantees its Italian and Hungarian national communities that within the independent Republic of Slovenia they shall enjoy all the rights that are laid down by its Constitution and laws, as well as by international instruments concluded and recognised by the Socialist Federal Republic of Yugoslavia. Slovenia also guarantees to all members of other nationalities and ethnicities the right to comprehensive cultural and language development; those with permanent residence in Slovenia can acquire citizenship of the Republic of Slovenia if they wish to."<sup>c</sup>

3. The Constitutional Act Implementing the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia reads:

4. "Citizens of other republics who on the day of the plebiscite on the independence and sovereignty of the Republic of Slovenia, 23 December 1990, were registered as permanent residents of and actually live in the Republic of Slovenia shall have, except in the cases specified in Article 16 of this Act, equal rights and duties as the citizens of the Republic of Slovenia until they acquire citizenship of the Republic of Slovenia under Article 40 of the Citizenship of the Republic of Slovenia Act or until the expiry of the time limits determined in Article 81 of the Aliens Act."<sup>d</sup>

5. There are no special provisions related to the protection of these communities in the Constitution of the Republic of Slovenia. If we disregard Article 61 of the Constitution of the Republic of Slovenia, which stipulates:

6. "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."

7. The provisions related to the protection of "immigrant" and "ethnic/national" communities are modest, particularly when compared to the rights "granted" by the Republic of Slovenia to the Italian and Hungarian national communities and the Roma. Is it possible to state — based on the above mentioned — that the Republic of Slovenia discriminates against the "minority" ethnic groups of Albanians, Bosnians, Croats, Serbs,

<sup>c</sup> Statement of Good Intentions. Ur.l. RS, No. 44/1990, p. 2034.

<sup>d</sup> Constitutional Act Implementing the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia. Ur. l. RS, No. 1/1991.

etc. that — in terms of their respective numbers — exceed the number of “autochthonous” national communities? Was any particular right truly taken away from these ethnic groups and their members that was granted in the former state, as can be frequently heard from the representatives of the “new” national communities?

8. The representatives of the societies and associations of the nations from the former common state of Yugoslavia which are organised within the Coordinating Body of Associations and Cultural Societies of the Constitutive Nations and Ethnicities from the Former Yugoslavia in the Republic of Slovenia<sup>e</sup> are convinced that the already achieved level of protection has decreased.

9. The document entitled “PUBLIC INITIATIVE BY THE ALBANIANS, BOSNIANS, CROATS, MACEDONIANS, MONTENEGRINS, AND SERBS living in the Republic of Slovenia” presented at the European Commission Round Table against Racism and Intolerance (ECRI) of the Council of Europe in Ljubljana on 14 October 2003, also states:

10. Following the dissolution of the former SFRY, Albanians, Bosnians, Croats, Macedonians, Montenegrins, and Serbs found ourselves living in the newly established Republic of Slovenia, objectively in the situation of a national minority without the possibility of influencing our own situation and status. The fact that some parts of the nation remain – as a result of historical circumstances – in a country which is not their country of origin serves the former as a starting point for establishing and recognising its status as a national minority in this country.

11. Until 1991, in Slovenia we had the status of members of the constitutive nations and ethnicities of Yugoslavia and our special collective rights were abolished with the Constitution of the Republic of Slovenia in 1991. Despite any previous official promises that our situation would not change, after 1991 we changed from “fellow-citizens”, according to the Constitution of the Socialist Republic of Slovenia of 1974, to officially mostly “immigrants” without any legal group social status. Decreasing the already established social status of certain groups of the population is not a European norm and cannot be in the actual national interest of the Republic of Slovenia.<sup>f</sup>

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<sup>e</sup> The following can be read at the website <http://www.mtaj.si/default.asp?podrocje=23&menu=5&novica=68648> (15 November 2007): The Coordinating Body of Associations and Cultural Societies of the Constitutive Nations and Ethnicities from the Former Yugoslavia in the Republic of Slovenia drew attention, at today’s press conference (9 October 2007, note by M. K.), to the existence of a population that represents more than eleven percent of the entire population of Slovenia and does not have the status of a minority. We would like to maintain our own national identity, be integrated into Slovenian society and not simply be assimilated, as the president of the organisation Ilija Dimitrievski outlined. Dimitrievski explained that the Coordinating Body, which has been operating for four years and represents 64 cultural societies, is aimed at realising fundamental minority interests and includes Albanians, Bosnians, Croats, Macedonians, and Serbs living in Slovenia. They first appeared in public in Slovenia before the representatives of the European Commission against Racism and Intolerance in Ljubljana in October 2003, when they presented their basic programme document “Public Intent” at the round table. “The Coordinating Body was established in order to draw the attention of the Slovenian public and particularly the relevant state institutions to a population living in Slovenia that has not been granted collective national status. Therefore, we feel discriminated against in comparison with the constitutionally recognised nations of Italians, Hungarians, and Roma whose status is regulated,” stated Dimitrievski, adding that the Slovenian Constitution should also mention members of other nations living in Slovenia by their names.

<sup>f</sup> PUBLIC INITIATIVE BY ALBANIANS, BOSNIANS, CROATS, MACEDONIANS, MONTENEGRINS, AND SERBS living in the Republic of Slovenia. Ljubljana, 14 October 2003. Filed by the Institute for Ethnic Studies.



12. The question may be raised if it is possible, and how, to use the present model of protection of autochthonous national communities for the “new” national communities. The discussion is totally hypothetical. First, we have to “find” the traditional settlement area of each individual ethnicity. That is, the area that is permanently settled by the members of the different ethnic groups and is vital in the national sense. Their number is unimportant. “Special” minority rights would be exercised here: from the use of language in the public sphere to political participation. The issues of establishing the Croatian and Serbian historical settlement areas have already been discussed in this text. The traditional settlement area of national communities living in Slovenia was specifically mentioned because it is known from historical sources; however, there are no historical records about other ethnicities.

13. Until we locate these vital national settlement areas, we cannot state that the members of the Albanian, Bosnian, Serb, Croat, Macedonian, Muslim, and Montenegrin communities are discriminated against in comparison with the members of the Italian and/or Hungarian national communities despite their number being several times larger. Slovenia, however, would be discriminating on an ethnic basis if the populations living in these areas expressed affiliation with the Croatian or Serbian nations, and voluntarily declared themselves to be members of these nations, and demanded special minority status, and the Slovenian state would oppose it. What would change for Croats and Serbs living all over Slovenia if they were “raised” to the level of constitutionally recognised national communities? Nothing would change for Croats and Serbs living outside the ethnically mixed areas. Within the existing model of minority protection, all minority rights relate to ethnically mixed areas. All this together is reminiscent of a very small reservation. When members of national communities leave ethnically mixed areas, they change their permanent residence and thus lose all their national community rights. Apart from two: a) they have the right to be entered in the special electoral register of national communities for the election of a national community deputy to the National Assembly; and (b) they have the right to learn the mother tongue if at least five children apply to do so.

14. The key elements of the Slovenian model of the protection of national communities should be pointed out here at the end of this text. Apart from the mentioned ethnically mixed areas, the following points need to be brought up:

(a) Collective rights – “special” minority rights are granted to national communities as objectively existing entities. It is up to each individual member of the national community when and how he/she will exercise “the granted” special rights. It needs to be pointed out that special minority rights are not subject to numerical strength; and

(b) The model of the protection of national communities applies to all inhabitants of an ethnically mixed area and not only to the members of national communities. For example, the members of the majority nation are obliged to have bilingual documents; they have to learn the minority language in schools with the language of instruction of the majority nation; administrative and judicial authorities have to operate bilingually and, finally, the ethnically mixed areas have to be “published”! Toponymy, public notices, and the operation of public and private offices and institutions have to be bilingual; the use of national symbols, e.g. the flag, is obligatory.

15. Can the present model of the protection of national communities be used for the protection of the “new” national communities? This presentation of the fundamental characteristics shows that it is impossible to expand the present regime to the “new” national communities. This does not mean that these communities do not have the right to special minority protection, primarily to preserve their language and culture.

## Financial support by the Ministry of Culture for the projects of immigrated Roma 2003–2007

### In 2003

<i>Applicant Programme or project</i>	<i>Granted funds (EUR)</i>
The Union of Roma of Slovenia – implemented by the Roma society Pralipe Maribor Events: Events on the occasion of the day of Sultan Nevruz/St. Ilia's Day	1 418.79
The Union of Roma of Slovenia – implemented by the Roma society Pralipe Maribor Events: Events on 'đurđevdan' organized by Roma Society Romano Pralipe	1 648.31
The Union of Roma of Slovenia – implemented by the Roma society Amala Ljubljana International cooperation of Roma: visits abroad	843.59
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Activities of cultural groups: the presentation of the play Me rovava	312.97
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Activities of cultural groups: work and performances of a folk dance group	417.29
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Events: 4th Traditional Roma Poetry and Dance Evening	333.83

### In 2004

<i>Applicant Programme or project</i>	<i>Granted funds (EUR)</i>
The Union of Roma of Slovenia – implemented by the Roma society Pralipe Maribor Traditional Roma customs	1 961.28
The Union of Roma of Slovenia – implemented by the Roma society Pralipe Maribor Events on the 'đurđevdan'	1 961.28
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Workshop on the research of Roma words	625.94
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje 5th Traditional Roma Poetry and Dance Evening	717.74

<i>Applicant Programme or project</i>	<i>Granted funds (EUR)</i>
The Union of Roma of Slovenia – implemented by the Roma society Romano Kham Ljubljana Concert on the occasion of International Roma Day at the France Prešeren Culture and Arts Centre	1 251.88
Roma Society Amala Ljubljana Visit of the Roma Society Amala to the Czech Republic	2 086.46
Roma Society Amala Ljubljana Roma poetry accompanied by Slovenian translation and music notes	3 129.69

**In 2005**

<i>Applicant Programme or project</i>	<i>Granted funds (EUR)</i>
The Union of Roma of Slovenia – implemented by the Roma society Pralipe Maribor Events for schoolchildren	2 336.84
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Training and work of an animator	500.75
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Exhibition of art photographs with Roma themes	208.65
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje The publication of the book Roma of the Present	843.59
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Workshop on the research of Roma words	625.94
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Folk dance and poetry group	417.29
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje 6th Traditional Roma Poetry and Dance Evening	625.94
Roma Society Amala Ljubljana Music festival Visits abroad	3 129.69
Roma Society Amala Ljubljana Music through the Ages	4 172.93
Roma Society Amala Ljubljana The publication of the CD Amala V – For My Nation	3 129.69

<i>Applicant Programme or project</i>	<i>Granted funds (EUR)</i>
Roma section – Oriental Society NUR – Orient Lovers Ljubljana Roma influences in the world of oriental dance	1 251.88

**In 2006**

<i>Applicant Programme or project</i>	<i>Granted funds (EUR)</i>
Roma Society Amala Ljubljana International Roma festivals	2 921.05
Roma Society Amala Ljubljana Music workshops for Roma children	6 422.13
Roma Society Amala Ljubljana The publication of the book Children, Sing With Us II	3 755.63
The Union of Roma of Slovenia – implemented by the Roma society Pralipe Maribor 10th anniversary	1 669.17
The Union of Roma of Slovenia – implemented by the Roma society Pralipe Maribor The purchase of a traditional folk dance costume	1 251.88

**In 2007**

<i>Applicant Programme or project</i>	<i>Granted funds (EUR)</i>
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Research of Romany words 3	500.00
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Roma poetry and dance evening	500.00
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Training and work of an animator of the Roma culture	1 250.00
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Activities of a folk dance and poetry group	500.00
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Roma fairy tales and songs “Romane paramiče taj đija”	1 600.00
The Union of Roma of Slovenia – implemented by the Roma society Romano vozo Velenje Following the Morning (book of poems)	1 500.00

<i>Applicant Programme or project</i>	<i>Granted funds (EUR)</i>
The Union of Roma of Slovenia – implemented by the Roma society Romano Pralipe Maribor Traditional celebration of Roma customs	1 000.00
The Union of Roma of Slovenia – implemented by the Roma society Romano Pralipe Maribor Through culture to education	1 000.00
Roma society Amala Ljubljana International festivals	3 000.00
Roma society Amala Ljubljana The publication of the book Children, Sing with Us 3	3 900.00
Roma society Amala Ljubljana “Music through the Ages” – music workshops and summer seminars and schools	1 000.00

## Annex II

### Activities of the Ministry of Health

1. In line with the development policy of the Ministry of Health, the improvement of the general health condition of Roma is included in the national programme for health promotion due to its importance and specific features. A special task force was established in order to improve preventive measures for Roma and their health. The task force held consultation meetings with representatives of the Union of Roma and health institutions in the field. The task force continued by promoting healthy nutrition among Roma children.
2. Within the framework of public tenders for co-financing health protection and promotion in 2004 and 2005, the Ministry of Health supported the programme "Raising Food Culture for the Protection and Promotion of the Health of the Roma Population," which was implemented by the Črnomelj Institute for Education and Culture. On the basis of a decision of the Slovenian Government, it co-financed the programme "Investing in Health and Development – Mura" in 2005 and 2006, which was implemented by the Murska Sobota Institute of Public Health. On a smaller scale, the programme promoted a healthy lifestyle among the Roma and Hungarian communities. An analysis of Roma risk behaviour was also carried out.
3. The Murska Sobota Institute of Public Health carried out a research project entitled "Risk Factors for Non-Communicable Diseases in the Adult Population of the Roma Community" (conducted from 2001 to 2004). This research provides a basis for the drafting of programmes and projects to promote health and tackle health inequalities.
4. As an example of good practice in the health care area, the "Health Promotion Strategy and Action Plan for Tackling Health Inequalities in the Pomurje Region" can be mentioned. It was prepared by the Murska Sobota Institute of Public Health within a bilateral cooperation programme with the Flemish Institute for Health Promotion. The general goal of this strategic plan is to improve the health status of the regional population, thus reducing the health gap with other regions. On the other hand, it also addresses health inequalities within the region. It is trying to tackle health inequalities through the programme for health promotion aimed at individual and vulnerable groups. The Strategy is based on an analysis of the current situation and the region's priorities. It is included in the 2007–2013 Regional Development Programme and is available (also in English) at <http://www.zzv-ms.si>. Its goals include the promotion of a healthy lifestyle for minorities and ethnic communities (the Hungarian and Roma communities). Although the plan is drafted particularly for the Pomurje region, it can be used as an initiative and a model for strategic planning with a view to determining priorities and drawing up strategies and objectives to develop measures for tackling the health inequalities of vulnerable groups, including the Roma population.
5. The Murska Sobota Institute of Public Health has already been implementing the programme "Tackling Health Inequalities", which refers to these objectives. The Roma health issue has been included in the national health care programme since 2006. The Institute employs a Roma as an associate in the public health team and cooperates closely with the Union of Roma of Slovenia.

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