



CRI (98) 26

European Commission Against Racism and Intolerance

First report on Slovenia

Adopted on March 1998

For further information about the work of the European Commission against Racism and Intolerance (ECRI) and about the other activities of the Council of Europe in this field, please contact:

Secretariat of ECRI
Directorate General of Human Rights – DG II
Council of Europe
F - 67075 STRASBOURG Cedex
Tel.: +33 (0) 3 88 41 29 64
Fax: +33 (0) 3 88 41 39 87
E-mail: combat.racism@coe.int

Visit our web site: www.coe.int/ecri

INTRODUCTION

The European Commission against Racism and Intolerance (ECRI) was set up in 1994, at the instigation of the first Summit meeting of Heads of State and Government of the member States of Council of Europe, to combat the growing problems of racism, xenophobia, anti-Semitism and intolerance threatening human rights and democratic values in Europe. The members of ECRI were chosen for their recognised expertise in questions relating to racism and intolerance.

The task given to ECRI was to: review member States' legislation, policies and other measures to combat racism, xenophobia, anti-Semitism and intolerance and their effectiveness; propose further action at local, national and European level; formulate general policy recommendations to member States; and to study international legal instruments applicable in the matter with a view to their reinforcement where appropriate.

One aspect of the activities developed by ECRI to fulfil its terms of reference is its country-by-country approach, which involves carrying out an analysis of the situation in each of the member States in order to provide governments with helpful and concrete proposals.

The procedure adopted for the preparation of country-specific reports can be summarised thus:

- a. The preliminary collection of information as well as the preparation of the texts of the preliminary draft reports are carried out in small working groups of ECRI. Preliminary sources of information used are wide-ranging, including, inter alia, replies provided by governments to a questionnaire sent out by ECRI, input from the relevant national members of ECRI, information on national legislation collected for ECRI by the Swiss Institute of Comparative Law¹, information from international and national non-governmental organisations, various publications and the media.
- b. ECRI examines and discusses the preliminary draft report on each country in plenary session and adopts a draft report.
- c. The report is sent to the relevant government for a process of confidential dialogue conducted through a government-appointed national liaison officer. The draft country report is re-examined and possibly revised in the light of the comments provided by the latter.
- d. The report is then adopted in its final form by ECRI in plenary session, and transmitted through the Committee of Ministers of the Council of Europe, to the government of the country in question. Two months after this transmission, the report is made public, unless the government of the country concerned expressly requests that it is not made public.

The first series of ECRI's country-specific reports² were made public in September 1997. A second series of country-specific reports were transmitted to the governments of the countries concerned in January 1998, and are thus now being made public³.

The following report contains ECRI's analysis and proposals concerning Slovenia.

¹ The report prepared by the Swiss Institute (ref: CRI (97) 38), covering relevant legislation in member States of the Council of Europe is available from ECRI's Secretariat.

² Reports on Belgium, the Czech Republic, Finland, Greece, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Malta and Poland.

³ Reports on Germany, Liechtenstein, Norway, San Marino, Slovenia and Switzerland.

It should be noted that ECRI is carrying out its country-by-country procedure by preparing reports for all forty member States of the Council of Europe. This second series of reports, for which the procedure was completed by January 1998, will be followed by other series of reports on the remaining member States of the Council of Europe. The order in which the reports are produced has no significance other than that these are the first reports to be completed.

The publication of this report represents the start of an on-going and active process of exchange between ECRI and the authorities of each of the member States, in order to identify solutions to the problems of racism and intolerance facing Europe. ECRI will also welcome the input of non-governmental organisations and other parties working in this field to ensure that its work is as constructive and helpful as possible.

REPORT ON SLOVENIA⁴

Introduction

Slovenia is a parliamentary democracy and constitutional republic which in 1991 declared its independence and gained international recognition. Slovenia stands at a strategic location between Western Europe and the Balkans, and has represented throughout its history an important transitional zone in Europe in terms of political geography, traffic, economy and culture. Slovenian minorities exist in all neighbouring countries (Italy, Hungary, Austria and Croatia).

The population is predominantly of Slovenian ethnic origin, with two constitutionally-recognised national minorities, the Italian and Hungarian minorities, each numbering a few thousand people. According to several international reports, the rights of these minorities are well protected and can even serve as "a model and an example for many other European States" (in the conclusions of one Council of Europe report).

It is noted that almost the whole Jewish community fell victim to the Nazi regime. An autochthonous ethnic community of Roma/Gypsies lives in Slovenia and is granted special rights by the Constitution. There is also a significant number of inhabitants who originally came from other republics of ex-Yugoslavia, often in search of work and better living conditions. Most of this group were granted citizenship in 1991, and are not recognised as a minority.

Cases of racism and anti-Semitism are presented at a verbal and conceptual level. Furthermore, there is some evidence of inter-ethnic tension. War in neighbouring countries has reinforced some prejudices or intolerance, and the unprecedented influx of refugees has caused many practical problems which have also led to tensions. There is some feeling, as expressed in opinion polls⁵, that non-Slovenes are taking jobs away from native Slovenes and causing economic problems. There are some nationalistic tendencies, particularly in industrial centres where a high proportion of non-Slovenes reside, which may develop into xenophobia if left unchecked. During the last few years, individual, nationalistic and violently-disposed groups of skinheads have appeared in Slovenia which from time to time have reacted intolerantly against non-Slovenes, although to date such outbursts have been confined mostly to verbal or written abuse.

⁴ Note: Any development subsequent to 7 February 1997 is not covered by the following analysis and is not taken into account in the conclusions and proposals.

⁵ Opinion polls of 1992 and 1993, RI FDV as quoted in "New xenophobia in Europe" (see bibliography)

Some of the key areas identified by ECRI as meriting particular attention include:

- the need to ensure the full and consistent implementation of legislation to combat racism and discrimination;
- the need to combat any tendencies among the population to mistrust or stigmatise non-Slovenes;
- the need to adopt immediate measures to cope with refugees and asylum-seekers;
- the need to put in place preventive measures to deal with any problems which may develop;
- the promotion of tolerance among and by politicians.

I LEGAL ASPECTS⁶

A. International Legal Instruments

1. Slovenia has already ratified the majority of the international legal instruments of relevance to combating racism and intolerance. It is understood that Slovenia is in the course of adopting and ratifying other relevant instruments, i.e. the European Social Charter, the European Convention on the Legal Status of Migrant Workers, the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities, and it is hoped that this ratification will be effected as soon as possible. It is also hoped that Slovenia will accept Article 14 of CERD. It is noted that the constitutional order recognises the superiority of accepted international legal obligations over internal legislation, especially regarding the full implementation of human rights, including minority rights.

B. Constitutional provisions

2. The Constitution of Slovenia contains relatively broad provisions concerning equality before the law, protection of the rights of "autochthonous minorities" (Hungarian and Italian)⁷ and of the rights of Roma/Gypsies (to be specified in a special law under preparation) as well as specific provisions concerning prohibition of racial hatred and of incitement to inequality and intolerance. Equality in the field of work is also protected in the Constitution: all persons are free to choose their own employment and all working posts shall be equally accessible to all persons.
3. It is hoped that the special law setting out the rights and situation of the Roma/Gypsy community will be passed as soon as possible.
4. Little information seems available concerning the position of other minority groups living in Slovenia, for example the ethnic Germans or Austrians.

- *Law concerning asylum and refugees*

5. At present, refugee cases are dealt with under legislation which is not specifically aimed at this issue, for example, legislation concerning non-citizens. ECRI finds it necessary, given the number of asylum-seekers and refugees currently in Slovenia, that laws on asylum and concerning refugees be elaborated and adopted as quickly as possible. Laws concerning asylum should define the notion of an asylant, the rights of asylum-seekers and ensure the integration into Slovenian society of those allowed to stay. It should also stipulate a reasonable time-limit for having the possibility to claim asylum, and allow for the right of appeal before an independent authority against negative decisions. Furthermore, officers and civil servants responsible for dealing with these matters

⁶ A full overview of the situation existing in Slovenia in the field of combating racism and intolerance is provided in the publication (CRI (95) 2 rev, prepared for ECRI by the Swiss Institute of Comparative Law (see bibliography)

⁷ Including right to the use of their native language (equal status with Slovenian in ethnically-mixed territories), free use of national symbols, right to establish autonomous organisations and institutions, right to foster the development of their own culture, right to education and schooling in their own language, right to direct representation in the National Assembly and local authorities, right to co-operate with the nation of their homeland. These rights are valid in ethnically-mixed areas regardless of the size or proportion of the minority group, and some apply outside mixed areas. The Constitution also provides that statutes, regulations and other legislative enactments affecting exclusively the exercise of the specific rights enjoyed by the Italian or Hungarian ethnic communities may not be enacted without the consent of the community or communities involved.

should be given special training in order to ensure that non-citizens on the territory of Slovenia are accorded all the rights guaranteed by the Constitution.

- **Citizenship law**

6. When Slovenia became independent in 1991, everyone who was a permanent resident and was living in Slovenia at the time was entitled to citizenship. The immigrant population of Slovenia which obtained citizenship in this manner represents about 10% of the total population. There have been some calls from parties with nationalistic tendencies to change the citizenship law and reconsider citizenships granted to non-ethnic Slovenes, and opinion polls show quite high degrees of public support for a more restrictive policy. ECRI welcomes the decision of the Constitutional Court upholding the unconstitutionality of such attempts to change the citizenship law, and suggests that educative measures might be taken among the general public to counteract any negative attitudes in this respect.
7. There has been criticism that the discretionary powers of the administrative bodies in the conferring of citizenship are too wide and that little possibility for appeal against negative decisions exists. Consideration might be given to monitoring the citizenship legislation and its implementation.

C. Criminal law provisions

8. Article 141 of the Criminal Code concerns the offence of infringing equality, and would seem to cover forms of discrimination such as the refusal to supply goods and services. Article 300 concerns the offence of incitement to ethnic, racial and religious hatred or intolerance. The crime of genocide is contained in Article 373.
9. It is felt that attention should now be paid to the full implementation of legislation in the field of combating racism and intolerance.

D. Civil and administrative law provisions

10. ECRI feels that specific civil and administrative legislation to prohibit discrimination in the field of public and private housing, employment and access to services might be introduced.

E. Specialised bodies

11. An Ombudsman to protect human rights was appointed in 1994. There is also a special Parliamentary Commission for Minorities and various bodies within the government - notably the Office of Nationalities - dealing with issues of minority groups, immigration, refugees, etc. It should be ensured that the Ombudsman pays particular attention to questions of racism or intolerance; in addition, the possibility of setting up an independent specialised body to deal with such issues might be considered.

II POLICY ASPECTS

F. Reception and status of non-citizens

12. Slovenia is a transit country for migration to the West and North of Europe, but has also experienced an increase in refugees and economic migrants seeking to settle in Slovenia. Understandably, Slovenia lacks policies and structures to deal with such developments. It is noted that in 1993 the Slovenian authorities invited an expert

mission from the Council of Europe to advise it on its immigration policy⁸, and it is hoped that this proved useful in defining a clear policy to ensure that all groups with permission to stay in Slovenia are integrated into society.

G. Education and training

- *Education for national minorities*

13. The educative provisions for the Hungarian and Italian national minorities stem from the same principles, but are based on two different models: the Italian minority attend monolingual schools while the Hungarian minority attend bilingual schools together with Slovene pupils. The curricula of these schools, in addition to teaching the minority and majority languages, pay special attention to familiarising students with the culture, geography and history of their native country. Provision exists at primary and secondary schools for both minority groups. The majority population in bilingual areas also learns the second language from an early age in order to foster good understanding and community relations.
14. There are also some primary schools which operate in the language of immigrants in larger centres with a high concentration of immigrants, although no official provision exists in this respect.
15. It is noted that the educational authorities have taken measures to ensure that the majority of Roma/Gypsy children will henceforth attend pre-school institutions to prepare for primary school, and to raise awareness among this population of the importance of education for their children. The main problem in this respect is the fact that Roma/Gypsy children often only speak their own language when starting school, and that no teachers speaking the Romany language are employed at present. Consideration might be given to the possibility of providing teaching in the Romany language, and to the desirability of special training for teachers of Roma/Gypsy children, both to improve teaching of Slovenian as a second language and to enable teachers to better understand the culture and lifestyle of the children they are dealing with.

- *Human rights education*

16. Education in the respect of human rights and tolerance for cultural or ethnic diversity is included in all school programmes as well as in the professional training of teachers, social workers, officials, judges and other public service employees.

- *Awareness-raising*

17. Although there do not seem at present to be many reported cases of manifestations of racism, discrimination or intolerance, some opinion polls have revealed a psychological distancing on the part of Slovenians towards different minority groups (migrants). It seems prudent to counter such feelings in order to prevent sentiments of xenophobia or intolerance from developing in the future. Such measures might for example include the dissemination of information about the culture and life-styles of the different groups living in Slovenia, awareness-raising campaigns about the problems faced by asylum-seekers, refugees and immigrants, and support for the various NGOs dealing with these issues. Politicians in particular should play an important role in leading public opinion by stressing the positive contribution made by the various minority groups to Slovenian

⁸ See document CDMG (94) 3

society and resisting the temptation to blame immigrants for economic and social problems.

H. Media

18. Both the Hungarian and Italian minorities publish newspapers and magazines in their own languages, and have access to radio and television broadcasting. Special radio programmes are provided for the Roma/Gypsy community.

I. Employment

19. There does not seem to exist any systematic or reliable information about discrimination on the labour market or about the relative employment prospects for the different groups living in Slovenia: Roma/Gypsies, immigrants, national minorities etc. Some discriminatory attitudes seem to exist among the general public towards immigrants who are seen as competitors on the job market. Consideration should be given to monitoring the situation so that problems may be identified and suitable policies formulated to deal with them.

J. Statistics

20. As yet, no special statistical processing of criminal acts based on ethnic or religious hatred has been carried out, since such acts have been rare. It would be desirable, however, to develop a system of collection of information on such criminal offences and their outcome, in order to monitor the extent of any problems which may develop.

K. Other areas

- *Political representation*

21. Both the Italian and Hungarian communities have self-governing ethnic associations which represent their interests and which have been incorporated in a special district assembly council which participates on an equal basis in decision-making related to the ethnic communities. It is constitutionally guaranteed that both communities will be represented by one deputy each in the National Assembly, the Chamber of Representatives of the Parliament of Slovenia. A special committee for minorities in the Assembly, consisting of Hungarian, Italian and Slovenian deputies, states its opinion and makes suggestions on matters concerning minorities. Many members of both ethnic communities are active in Slovenian political and civil society.

- *Cultural life*

22. The Italian and Hungarian minorities both have several cultural associations. The Ministry of Culture subsidises the cultural creativity of the national minorities and of the various "immigrant" minority groups in Slovenia.

- *Roma/Gypsy population*

23. As stated previously, the Roma/Gypsy population faces disadvantages in all fields, particularly education, employment, housing and health. Efforts are being made to raise awareness among this community and to encourage forms of self-organisation. With the support of professional services and government bodies, the first Romany Association has been established to co-ordinate the interests of the Roma/Gypsy community in all fields. In districts with a high proportion of Roma/Gypsies, special commissions are in

place, involving Roma/Gypsies and representatives of professional services, which aim to provide assistance to this community.

General data as supplied by national authorities

For reasons of consistency, ECRI, in its CBC reports, has, in this box, reproduced statistical data only from the replies of Governments to ECRI's questionnaire. The questionnaire was sent to the Slovenian authorities on 13 July 1994.

ECRI accepts no responsibility for the data below.

8,503 or 0.43% Hungarian national minority, 3,064 or 0.16% Italian national minority. 0.12% Roma/Gypsy and 10% immigrants (Croatians, Serbs, Muslims, Montenegrins, Macedonians, Albanians and others)

1.31,118 refugees (around 2% of the population) were registered in 1994, mostly as a result of the war in former Yugoslavia

Population: 1,994,084 (1993). This figure is taken from the Council of Europe publication "Recent demographic developments in Europe" (see bibliography)

BIBLIOGRAPHY

This bibliography lists the main published sources consulted during the examination of the situation in Slovenia: it does not cover all the various sources of information (media, contacts within the country, national NGOs etc. which were utilised)

1. Reply supplied to the ECRI questionnaire by the Slovenian authorities
2. CRI (94) 2 and Addendum: Situation in the member States of the Council of Europe concerning the issues under examination by the European Commission against Racism and Intolerance: Working papers submitted by the members of ECRI, Council of Europe document
3. Recent Demographic Developments in Europe, Council of Europe Press, 1994
4. CDMG (94) 16 final: Recent developments in policies relating to migration and migrants, Council of Europe document
5. "Political extremism and the threat to democracy in Europe", Institute of Jewish Affairs
6. Trends in International Migration, Annual Report 1993, OECD, 1994
7. CRI (95) 2 rev.: Legal measures to combat racism and intolerance in the member States of the Council of Europe, report prepared by the Swiss Institute of Comparative Law, Lausanne (Council of Europe publication)
8. Antisemitism World Report 1995, Institute of Jewish Affairs publication
9. Annual report 1995, International Helsinki Federation for Human Rights publication
10. "Country reports on Human Rights Practices for 1994", US Department of State, 1995
11. "World Refugee Survey 1994": Report on Slovenia
12. "A review of the problems concerning the refugees in the Republic of Slovenia 1995": Ministry of Interior of Republic of Slovenia
13. 1993 Annual Report on Activities: Council of Human Rights and Fundamental Freedoms in Slovenia
14. The Law on the Human Rights Ombudsman, Republic of Slovenia
15. Law on Foreigners, Republic of Slovenia
16. Citizenship Act, Republic of Slovenia
17. Zakon o samoupravnih narodnih skupnostih
18. HRI/CORE/1/Add.35: Slovenia
19. The Case of Slovenia Journal, 1991 - "Memories of Yugoslavia" by D Jančar and "The Awkward Co-existence" by M. Jezernik
20. Report of the "Most svobode" organisation to the Council of Europe (1994)
21. Information about the status of Slovenes in the Republic of Croatia and Croats in the Republic of Slovenia: Ministry of Foreign Affairs of the Republic of Croatia, 1995
22. "Ethnic minorities in Slovenia": Institute for Ethnic Studies, Ljubljana, 1994
23. CDMG (94) 3: Expert mission to Slovenia on immigration policy, Council of Europe document
24. New Xenophobia in Europe, eds Baumgartl, B. and Flavell, A, Kluwer Law International , 1995