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## **ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

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### **Third Opinion on Slovenia adopted on 31 March 2011**

#### **EXECUTIVE SUMMARY**

Significant developments have occurred in Slovenia since the second cycle of monitoring with regard to the protection of minority rights as well as community relations and the spirit of tolerance in general.

Important programmes have been launched to tackle some of the root-causes of the problems facing the Roma, particularly in the areas of education and housing. The adoption in 2007 of the Act on the Roma Community in Slovenia provides a more solid legal basis for the development of long-term action to improve the situation of the Roma. Their situation in the area of housing remains nonetheless very precarious, in particular in the region of Dolenjska, where many Roma settlements have no access to running water or electricity. Substantial improvements are also required in the area of education and in access to employment and to health care. The opportunities for Roma to take part effectively in public affairs remain insufficient both at local and at central level. The Roma Community Council must be representative if it is to play a significant role.

The amendment, in 2010, of the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia puts an end to long-standing violations of the rights of many of the persons who were “erased” from permanent residents registers in 1992.

This law, coupled with a number of other initiatives taken by the authorities concerning these persons, represents an important signal for society that it is not only legitimate but also important for social cohesion to improve the integration of persons from the successor states of the former Yugoslavia in Slovenia and to value the languages and culture of persons belonging to nations of the former Yugoslavia living in Slovenia (hereinafter referred to as “persons belonging to the new national communities”).

Substantial improvements are needed to ensure effective protection against discrimination, and in particular, access to effective remedies for potential victims of discrimination.

Prejudices against some groups, in particular Roma and “persons belonging to the new national communities”, continue to be disseminated through some media and in the political arena. Local authorities are sometimes reluctant to implement laws and policies in relation to Roma and incidents of demonstrations of hostility against them have taken place at the local level.

Although Slovenia has continued to provide support to the preservation and promotion of the culture and languages of the Hungarian and Italian minorities, budgetary cuts are foreseen for the years to come. It is essential to ensure that these cuts do not have a disproportionately negative impact on activities of persons belonging to national minorities. Additionally, there is a need for more fundamental, regular support and increased consultation of minority representatives in the allocation process of funds.

Effectiveness of the participation of representatives of the Hungarian and Italian minorities in public affairs at national level could be significantly improved by a consultation at the right moment, in particular during law-making processes.

#### **Issues for immediate action**

- **Take, as a matter of priority, all measures to ensure that effective remedies are available to potential victims of discrimination; intensify actions to raise awareness of discrimination-related issues in society, including in the judiciary and law enforcement agencies.**
- **Ensure that Roma representatives are able to take part in public affairs at local level in all the municipalities in which they live in substantial numbers; take further steps to provide elected Roma councillors with all the support they need to carry out their tasks effectively, including adequate training; ensure that the Roma Community Council adequately represents the diversity of groups within the Roma community.**
- **Ensure effective involvement of minority representatives in discussions on any administrative change that could have an impact on minority protection; in particular, take measures to guarantee that the protection of persons belonging to national minorities will not diminish as a result of the creation of the municipality of Ankaran/Ancarano.**

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

**THIRD OPINION ON SLOVENIA**

1. The Advisory Committee adopted the present Opinion on Slovenia in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 28 April 2010, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Ljubljana, Murska Sobota, Lendava/Lendva and Koper/Capodistria, from 15 to 18 November 2010.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Slovenia. These findings reflect the more detailed article-by-article findings contained in Section II, which cover those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Slovenia, adopted on 12 September 2002 and 26 May 2005 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 28 September 2005 and 14 June 2006.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Slovenia.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Slovenia as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of state parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

## **I. MAIN FINDINGS**

### **Monitoring process**

6. Slovenia has adopted a constructive approach to the Framework Convention's monitoring process. The Advisory Committee notes that its second Opinion, as well as the corresponding resolution of the Committee of Ministers, were posted on the website of the Slovenian Ministry of Foreign Affairs. However, these documents have not been translated in the languages of the national minorities.

7. The Advisory Committee is particularly pleased by the organisation of a follow-up seminar, in October 2008, which allowed representatives of the authorities, of minorities, including groups not officially recognised as national minorities, of other civil society organisations and of the media to discuss the findings of the second cycle of monitoring and the way forward in the implementation of the Framework Convention.

8. Concerning the third cycle State Report, the Advisory Committee regrets the reported lack of effective consultation of national minority representatives in its preparation. Those who were invited to contribute deplore the fact that consultation was not made in a timely manner and that they could not consult the Report before it was submitted to the Council of Europe. The Advisory Committee expects that the Slovenian authorities will be more inclusive in the preparation of the next cycle of monitoring. It also invites the authorities to disseminate this Opinion widely and in all relevant languages, so as to increase transparency of the monitoring process.

### **General overview of the implementation of the Framework Convention after two monitoring cycles**

9. Substantial changes have occurred in Slovenia since the second cycle of monitoring with regard to the protection of minority rights as well as, in general, community relations and the spirit of tolerance enshrined in the Framework Convention. Firstly, far reaching programmes have been launched to tackle some of the root-causes of the problems facing the Roma in various areas, notably education and housing. The adoption in 2007 of the Act on the Roma Community in Slovenia now provides a more solid legal basis for the development of long-term action to improve the situation of the Roma, which remains very precarious in some regions of Slovenia. However, these efforts at central level have not always been followed up by local authorities which, in some cases, are reluctant to comply with their obligations and to respect minority rights. It is essential to ensure that the authorities at all levels pursue their efforts and allocate sufficient resources to these programmes and ensure their proper implementation in the next years. A continued and effective involvement of the Roma in the implementation of these programmes, as well as capacity-building measures, is also essential.

10. The amendment of the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia<sup>1</sup> in 2010 is another major step forward as it puts an end to long-standing violations of the rights of many of the persons who were "erased" from registers in 1992. This act, coupled with a number of other initiatives taken by the authorities concerning these persons, represents an important signal for society that it is not only legitimate but also

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<sup>1</sup> "Unofficial consolidated text prepared by the Ministry of the Interior" of the Republic of Slovenia, received on 7 December 2010.

important for social cohesion to improve the integration of persons from the successor states of the former Yugoslavia in Slovenia and to value their languages and culture. It is now crucial that the authorities promote an inclusive interpretation of the new act so as to avoid discriminatory exclusions, notably of those living abroad for more than ten years as a result of them being “erased” in 1992.

### **Legislative and institutional framework**

11. In addition to the above-mentioned Act on the Roma Community in Slovenia and the amendment of the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia, other important developments have occurred in Slovenia in the last five years. The adoption by the National Assembly, in 2010, of a new Act on the Radio and Television Corporation of Slovenia (RTV Slovenia) represented an important step forward for minority protection in many respects. It is therefore most regrettable that the Act was rejected by referendum on 12 December 2010.

12. A series of decisions of the Constitutional Court of Slovenia, in a number of cases brought by the Ombudsman Office, have also resulted in changes in the legislation on minority rights, especially with regard to the Roma. The Constitutional Court has interpreted the application of the concept of “autochthonous” Roma to be limited to the area of participation in public affairs at local level and introduced new rules for the election of Roma councillors at the local level, in order to allow the State to substitute decisions to be taken by the local authorities in case the latter do not comply with their obligations in this field.

13. In general, while the legislative framework for the protection of minority rights is well developed (and developing further as far as the Roma are concerned), it is important to ensure its effective implementation at all levels, including by local authorities.

14. In the field of anti-discrimination legislation, the Law on Equal Treatment of 2004 was amended in 2007 but further improvements are needed to ensure effective protection against discrimination, and in particular, the access to effective remedies. The powers of the Advocate of the Principle of Equality, established under the Law on Equal Treatment, appear to be particularly ineffective to protect victims of discrimination and, more generally, to prevent and monitor discrimination in society. This institution lacks independence, financial and human resources and its competences are very limited. It is essential to remedy these important shortcomings as a matter of urgency. In contrast, the Office of the Ombudsman continues to play an important role in combating discrimination based on ethnicity and to advance minority rights.

### **Combating intolerance and hate speech**

15. Expressions of hostility and racism against the Roma continue to be reported, particularly in the region of Dolenjska. Instances of collective protests by the local population, leading in some cases to forced evictions of Roma, are particularly regrettable. It is also worrying that negative stereotypes regarding persons belonging to the “new national communities”<sup>2</sup> persist and continue to be disseminated through the media and in the political

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<sup>2</sup> The terminology “new national communities” is used in this Opinion to refer to persons belonging to the Albanian, Bosniac, Croatian, Macedonian, Montenegrin and Serbian (listed in alphabetical order) nations of the former Yugoslavia, in previous Opinions of the Advisory Committee referred to as “non-Slovenes from other republics of former Yugoslavia”. This terminology is in accordance with the National Assembly Declaration On the Situation of Persons Belonging to Nations of the Former SFRY in the Republic of Slovenia, Official Gazette of the Republic of Slovenia, N° 7/2011 (4 February 2011).

arena, despite steps taken by the authorities recently to promote integration of these persons in Slovenian society.<sup>3</sup> Representatives of the Italian minority and of the German-speaking community also report a certain level of prejudice against them.

16. Representatives of the Hungarian minority living in the region of Prekmurje indicate that the atmosphere prevailing in this region is one of tolerance and mutual understanding. In contrast, representatives of the Italian minority in the coastal area regret that Italian is not widely used by persons belonging to the majority population in the “ethnically-mixed” area.

17. Hate speech is on the rise in some media, in particular on the Internet, and there is still a lack of awareness in society on the fact that hate speech is a crime. The prosecuting authorities are sometimes reluctant to identify and qualify hate speech as an offence. There is a need for further means of combating and sanctioning hate speech, while fully respecting the principles of editorial freedom and freedom of speech. In this context, it is encouraging that the main media have recently signed an agreement on jointly combating hate speech.

18. There is a lack of information at school and in the mainstream media about national minorities and their contribution to Slovenian society, as well as on other groups living in Slovenia.

### **Support to minority culture and languages**

19. Slovenia has continued to provide support to the preservation and promotion of the culture and languages of the Hungarian and Italian minorities, including in the field of the media in Hungarian and Italian. Budgetary cuts are, however, foreseen for the years to come. It is essential to ensure that these cuts do not have a disproportionately negative impact on activities of persons belonging to national minorities. Further support is also allocated for the promotion of Roma culture. Nevertheless, there is a need for more fundamental, regular support and increased consultation of national minority representatives in the allocation of funds.

20. Support allocated to the cultural activities of other minority groups, not officially recognised as national minorities (German-speaking community, persons belonging to the “new national communities”), is reportedly still insufficient and it does not match their needs. The support provided from “kin-States” through international co-operation agreements cannot substitute assistance provided by the Slovenian authorities.

### **Minority language education**

21. Persons belonging to the Hungarian and Italian minorities continue to have access to adequate opportunities to be taught in their minority languages, through the system of bilingual education (Slovenian-Hungarian) in place in the Prekmurje region and the educational institutions in Italian in the “ethnically-mixed area” in the coastal area. However, there remain gaps in the field of teacher training for minority education, with particular consequences on the teaching of technical subjects.

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<sup>3</sup> In particular, the adoption on 1 February 2011 by the National Assembly of a Declaration On the Situation of National Communities of Persons Belonging to Nations of the Former SFRY in the Republic of Slovenia, see footnote N° 2, and the inclusive approach adopted in the new Act on the Radio and Television Corporation of Slovenia in 2010 (Law EPA 1067-V).

22. Opportunities to learn or to be taught in the Romani language remain very scarce. It is to be expected that the implementation of programmes to improve access to education for Roma pupils, will result in wider possibilities to learn and to be taught in this language.

### **Participation of minorities in public affairs**

23. Participation in public affairs of representatives of the Roma remains insufficient, despite the existence of elected Roma councillors in 20 municipalities and the creation, in 2007, of the Roma Community Council at central level. It is important to ensure that all Roma groups living in Slovenia are effectively involved in decision-making on issues of concern to them, including Roma living in places other than the 20 municipalities in which Roma can elect their local councillors. Moreover, the present composition of the Roma Community Council does not sufficiently reflect the diversity of views within the Roma community. Therefore, the Council is not in a position to have a significant impact on the decision-making processes. Further efforts should be made to provide training to Roma representatives involved in local councils, so as to allow them to carry out their tasks effectively. There should also be a Roma representation on the programming board of RTV Slovenia.

24. Participation of the Hungarian and Italian minorities at local level is ensured by specific arrangements and is reportedly effective in most cases. It appears, however, that no sufficient involvement of representatives of the Italian minority took place in the decision-making process on the creation of the municipality of Ankarani/Ancarano and therefore, their concerns seem not to have been duly taken into account. At central level, the impact of the involvement of representatives of these two minorities could be greatly improved by a consultation, at the right moment, in particular during law-making processes.



## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Scope of application of the Framework Convention

##### *Recommendations from the two previous cycles of monitoring*

25. In the previous cycles of monitoring, the authorities were urged to review their position as regards the distinction made between “autochthonous” and “non-autochthonous” minorities, in order to avoid unjustified exclusions from the scope of application of the Framework Convention and differential treatment.

26. The authorities were also invited to discuss the possibility of including other persons in the scope of application of the Framework Convention than those mentioned in the declaration made by Slovenia upon ratification of the Framework Convention.

##### *Present situation*

27. In accordance with the declaration made by the Slovenian authorities upon ratification of the Framework Convention, only persons belonging to the autochthonous Hungarian and Italian minorities, as well as to the Roma community, are covered by this instrument. Persons belonging to these three groups also enjoy special protection under the Slovenian Constitution.<sup>4</sup> The Advisory Committee regrets that this approach has not evolved since the previous cycle of monitoring.

28. The Advisory Committee welcomes the fact that the distinction between “autochthonous” and “non-autochthonous” Roma no longer plays a role in policy-making and programmes or projects for Roma. However, the Advisory Committee regrets that it still has an impact in the field of participation of Roma in public affairs at the local level as only “autochthonous” Roma communities are entitled to elect their representatives in 20 designated municipalities.<sup>5</sup> Moreover, the Advisory Committee notes that this distinction continues to be referred to by various stakeholders. It believes that the authorities should do their utmost to avoid that this results in differential or discriminatory treatment in practice. In particular, it is important to make sure that all Roma communities are able to participate in public affairs at the local level and are effectively consulted by the authorities at all levels (see also remarks in respect of Article 15 below).

29. The Advisory Committee has been informed that persons belonging to other groups, notably to the “new national communities” and the German-speaking community, continue to claim recognition as national minorities under the Slovenian Constitution, as well as protection under the Framework Convention. They regret the absence of a legal basis to protect them on the same level as recognised national minorities and to allow them to benefit from adequate support to maintain and develop their respective culture and languages.

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<sup>4</sup> See articles 64 and 65 of the Constitution.

<sup>5</sup> See Constitutional Court Decision U-I 176/08-10, Official Gazette of RS N° 84/2010 (27 October 2010) and Article 39, paragraph 5 and 6 of the Law on Local Self-Government, as amended in 2009, Official Gazette of RS, N° 79/2009 (9 October 2009). Article 39 paragraph 5 of this law reads as follows: “In areas where autochthonous Roma are settled, Roma are entitled to at least one representative in the municipal council”.

30. In this context, the Advisory Committee notes with satisfaction that a dialogue between representatives of the “new national communities” and the authorities was initiated in 2007. Furthermore, it welcomes the initiatives that were recently launched with a view to improve the integration of these persons into Slovenian society<sup>6</sup> (see also remarks under Article 6 below). It hopes that these steps forward are a sign of an increased willingness on the part of the authorities to promote equal treatment for persons belonging to these groups and to fight prejudices against them (see also remarks in respect of Article 6 below).

31. Persons belonging to the German-speaking community informed the Advisory Committee that, due to their non-recognition as a national minority, they lack support for the preservation of their language and culture. In their view, the mere existence of a co-operation agreement with Austria in this field does not make it possible to cover adequately their needs and only legal recognition as an “autochthonous” national minority would make it possible for them to be treated on an equal footing with other communities and to preserve their language and culture in a sustainable manner.

#### *Recommendations*

32. The Advisory Committee calls on the authorities to confirm their increasingly inclusive approach to the protection of persons belonging to the Roma minority and ensure that in practice persons belonging to all Roma groups can effectively enjoy the rights protected under the Framework Convention. They should in particular ensure that the distinction between “autochthonous” and “non-autochthonous” Roma no longer results in practice in any differentiated treatment. Specific emphasis should be placed on effective participation of all Roma in public affairs, including at the local level.

33. The Advisory Committee calls upon the authorities to pursue the dialogue with representatives of the “new national communities” and the German-speaking community on the issue of the protection afforded to them. The authorities are invited to ensure that, in practice, no discrimination arises from them not being recognised as a national minority and adequate resources are allocated for the preservation of their languages and culture.

34. The Advisory Committee invites the authorities to reconsider their approach to the scope of application of the Framework Convention. They should consider the possibility, where appropriate, for persons belonging to other groups to benefit from the protection of this Convention, including on an article-by-article basis, and in close consultation with representatives of these groups.

### **Ethnic data collection**

#### *Recommendations from the two previous cycles of monitoring*

35. In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to take better into consideration the results of the 2002 population census indicating a marked decline in the numbers of Hungarians and Italians and to conduct further research on the possible reasons for this tendency.

#### *Present situation*

36. The Advisory Committee understands from representatives of the Hungarian and Italian minorities that one of the factors that might explain the decline in the numbers of persons

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<sup>6</sup> See footnote N° 3.

belonging to these two groups is the failure of the census to allow respondents to declare more than one ethnic affiliation (see also remarks under Article 5 below). The Advisory Committee is of the opinion that, in general, censuses should include a possibility to declare multiple ethnic and linguistic affiliations, in order to obtain a more reliable picture of the situation of persons belonging to national minorities.<sup>7</sup> Against this background, it is informed that the population census being carried out in 2011 is a register-based census, with no data collected on ethnic origin. It regrets that opting for a register-based census will result in a lack of data on the situation of persons belonging to national minorities. Consequently, it expects that the authorities will continue to collect information on the situation of persons belonging to national minorities, disaggregated by age, gender, geographical origin, in order to be able to design policies that adequately meet the needs of these persons.

#### *Recommendation*

37. The Advisory Committee invites the authorities to consider means of collecting information on the situation of national minorities outside censuses, while fully respecting international standards in the field of personal data protection.<sup>8</sup> The collection of data on the situation of minorities should include the possibility to declare multiple linguistic or ethnic affiliations.

### **Article 4 of the Framework Convention**

#### **Combating discrimination: legal and institutional framework**

#### *Recommendations from the two previous cycles of monitoring*

38. In the previous cycles of monitoring, the Advisory Committee emphasised the need for monitoring and awareness-raising of discrimination in society. It also encouraged the authorities to ensure smooth operation of the institutions established under the Act on Equal Treatment of 2004. Additionally, it invited the authorities to provide full support to the work of the Ombudsman.

#### *Present situation*

39. The Advisory Committee notes that the Law on Equal Treatment of 2004 was amended in 2007. According to the information available, the Advisory Committee understands, however, that further improvements are needed to ensure full and effective protection against discrimination. It is, in particular, informed that the existing remedies in cases of discrimination are not sufficiently efficient. In this context, the Advisory Committee deplores the lack of effectiveness of the institution of the Advocate of the Principle of Equality established under the Act on Equal Treatment. It appears that this institution lacks independence, financial and human resources and that its competences are too limited to allow it to serve as an effective remedy for potential victims of discrimination.

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<sup>7</sup> See Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, prepared in cooperation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, paragraph 426: “respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so”, paragraph 431: “Questions will generally refer to one language only. Multiple languages may be required for the mother tongue and main languages of minority groups”.

<sup>8</sup> See, for example, the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and the Committee of Ministers’ Recommendation Rec(97)18 concerning the protection of personal data collected and processed for statistical purposes. See also Council of Europe Recommendation CM/Rec(2010)13 of the Committee of Ministers on the protection of individuals with regard to automatic processing of personal data in the context of profiling, adopted by the Committee of Ministers on 23 November 2010.

40. The Advisory Committee also notes that there is a lack of regular monitoring of discrimination and of activities to raise awareness of society about these problems, including within the judiciary and the police. Indeed, a lack of awareness among the population of the existing legislation in this field and of the remedies available might explain the reported low number of complaints for discrimination on grounds of ethnic origin. However, the Advisory Committee understands that the Advocate of the Principle of Equality who could in principle ensure regular monitoring of discrimination and carry out awareness-raising activities is, with only one staff member, regrettably unable to do so.

41. Against this background, the Advisory Committee welcomes the fact that the authorities recently set up a working group to remedy these shortcomings by means of the elaboration of a general strategy to combat discrimination and to improve the implementation of existing remedies. It expects that this work will significantly improve the efficiency of the mechanisms to combat discrimination.

42. The Advisory Committee is pleased by the continued and fruitful involvement of the Ombudsman Office in issues relating to national minorities. The Office is regularly making recommendations on how to improve the protection of rights of persons belonging to national minorities, as well as to non-recognised groups. It also substantially contributed to the evolution of the existing legislation on minorities towards increased clarity and a more inclusive interpretation. It understands, however, that this institution only receives few petitions related to discrimination based on ethnic origin and that this could partly be explained by a lack of resources for the Ombudsman Office to reach out to the most vulnerable minority communities, such as the Roma.

#### *Recommendations*

43. The Advisory Committee urges the authorities to take, as a matter of priority, all appropriate measures to ensure that effective remedies are available to potential victims of discrimination. It also invites them to intensify their actions to raise awareness of discrimination-related issues in society, including in the judiciary and law enforcement agencies.

44. The Advisory Committee invites the authorities to ensure that the Ombudsman Office is granted all the support it needs to continue to carry out its mission effectively, including the necessary financial and human resources.

### **Situation of Roma in the area of housing**

#### *Recommendations from the two previous cycles of monitoring*

45. In the previous cycles of monitoring, the Advisory Committee invited the authorities to step up initiatives and programmes to improve the situation of Roma in the areas of housing, employment and education, with full involvement of the Roma representatives.

#### *Present situation*

46. The Advisory Committee welcomes the fact that the authorities have, in recent years, taken a number of important steps to improve the situation of Roma in various areas of life, including housing, employment and education (see also remarks under Articles 12 and 15 below). In particular, the Act on the Roma Community in the Republic of Slovenia was adopted in 2007, with a view to more clearly defining the specific rights of the Roma community as well as clarifying the responsibilities of the various levels of authorities for implementing these rights. Slovenia is also actively engaged in the process of the Decade of Roma Inclusion. Further

comprehensive programmes have been launched by the authorities, such as the National Programme of Measures for Roma for 2010-2015 (see also remarks under Article 15 below).

47. The Advisory Committee is nonetheless aware that, despite progress achieved in recent years, many Roma continue to face discrimination in everyday life, in particular in the area of housing in which local authorities play a major role. It is concerned, on the one hand, by reports indicating that Roma have limited access to social housing due to a shortage of social housing in general, but also to the fact that some of the municipalities with a substantial Roma population do not apply for public tenders for public housing. On the other hand, they are often discriminated against in the private housing market. In some municipalities, Roma have reportedly been prevented from buying houses outside of Roma settlements, which perpetuates geographical segregation. The Advisory Committee has also been informed of cases where the municipal authorities have reportedly introduced priority criteria for access to social housing which directly discriminate against Roma (such as completion of higher education). Additionally, various sources indicate that in certain villages, the process of privatisation of land has led to forced evictions of Roma, without providing them with alternative accommodation options. Lastly, the Advisory Committee notes with deep concern that, while the situation differs greatly from one region to another, a number of Roma settlements, notably in the region of Dolenjska, still have no access to running water and electricity and their inhabitants continue to live in isolated settlements in substandard conditions.<sup>9</sup>

48. Against this background, the Advisory Committee is pleased to note that the authorities have acknowledged these problems and started to take measures to tackle them. The Expert Group for Solving Spatial Issues in Roma Settlements was set up in 2006, with a view to preparing for the legalisation of Roma settlements. The Advisory Committee understands that the government intends to ensure that the local authorities concerned will prepare acts on spatial planning<sup>10</sup> with a view to legalising Roma settlements. The Advisory Committee finds it particularly important for the government to ensure that local authorities effectively comply with their obligations in this area and with regard to the protection of national minorities in general. In this context, it welcomes the organisation of public tenders in 2007 and 2008 for municipalities to improve communal infrastructure in Roma settlements and notes with satisfaction that some municipalities, such as Lendava/Lendva and Novo mesto, already completed the legalisation of some Roma settlements and improved infrastructures therein.

#### *Recommendations*

49. The Advisory Committee invites the authorities to continue to take vigorous measures to improve the housing conditions of the Roma. It is also essential to condemn firmly and to combat any form of discrimination against Roma in this area.

50. Additionally, the authorities should ensure effective implementation at national and local levels of policies and programmes for improving Roma housing conditions, including by means of awareness-raising on minority rights.

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<sup>9</sup> See also "Parallel lives: Roma denied rights to housing and water in Slovenia", Amnesty International, March 2011.

<sup>10</sup> In conformity with the Spatial Planning Act adopted in 2007.

## **Article 5 of the Framework Convention**

### **Legal and institutional framework for the support of minority culture**

#### *Recommendations from the two previous cycles of monitoring*

51. In the previous cycles of monitoring, the Advisory Committee invited the authorities to make more resolute efforts to implement minority policies more effectively and to step up measures to support activities aimed at developing Roma culture.

#### *Present situation*

52. The Advisory Committee is pleased to note that the Act on Cultural Heritage Protection, adopted in 2008, underlines that minority culture form an integral part of the Slovenian cultural heritage. It also welcomes the fact that the Ministry of Culture continues to provide support for cultural activities of various minority groups, including those not recognised as such in the Constitution. Moreover, the Act on the Roma Community in Slovenia sets a clearer legal basis for the preservation and promotion of Roma culture, indicating also the responsibilities of the various stakeholders.

53. These steps towards a better recognition of minority culture are all the more welcome as representatives of the Hungarian and Italian minorities have emphasised again that their communities experience a worrisome decline in numbers, due in their view to emigration abroad but also to a gradual process of assimilation with the majority population. The Advisory Committee is aware that the authorities do not agree with this view; it is, however, of the opinion that affirming and promoting minority culture can but have a positive impact on their preservation and on the willingness of persons belonging to minorities to identify themselves as such.

54. Most of the interlocutors of the Advisory Committee have underlined that there are gaps in the implementation of the very developed legislative framework for the protection and promotion of minority culture and that further efforts are needed in this respect, both at central and local levels (see also remarks under Article 10 and 14 below).

#### *Recommendation*

55. The Advisory Committee invites the authorities to identify effective ways of improving the implementation of the existing legislative framework for the protection of minority culture, in close consultation with national minority representatives. Additionally, it invites them to continue to support the promotion of minority culture and to emphasise their value and place in Slovenian society.

### **Funding for minority culture**

#### *Recommendations from the two previous cycles of monitoring*

56. In the previous cycles of monitoring, the Advisory Committee invited the authorities to ensure that the resources available for activities aimed at supporting the culture of the Hungarian, Italian and Roma minorities match the needs of these groups and are easily accessible.

*Present situation*

57. The Advisory Committee is pleased to note that the authorities have continued to provide substantial support for the preservation of minority cultural institutions and to implement their activities and projects. It welcomes in particular the increased funding for the Lendava/Lendva Cultural Centre as well as the setting up in 2007 of the Italian Centre for Promotion, Culture, Education and Development *Carlo Combi*. It understands, however, that although financial allocations for the Hungarian and Italian minorities have remained stable over the last years, cuts are foreseen for 2011 and 2012 (up to 10% according to the information available to the Advisory Committee). While understanding that the current economic crisis can result in budgetary stringency, it calls on the authorities to ensure that cuts will not affect national minorities disproportionately.

58. The Advisory Committee notes with satisfaction information provided by the Ministry of Culture that funding for Roma projects will increase by 14 % in 2011. It also understands that the establishment of new consultative bodies of the Roma, such as the Roma Council, should contribute to a better involvement of Roma representatives in decision-making on the allocation of support (see also remarks under Article 15 below). However, members of the Roma Council pointed out that, although they value the additional opportunities for involvement in decision-making provided to them, they feel that they were given new responsibilities for supporting projects within the Roma community without receiving sufficient funds to be able to meet the needs of Roma organisations.

59. In general, a number of interlocutors of the Advisory Committee regretted that most of the funding for projects aimed at supporting minority culture was allocated on a project basis, with no perspective for long-term, regular support. Additionally, national minority representatives have indicated that they are not always effectively consulted in the process of decision-making on support for cultural projects of minorities.

*Recommendations*

60. The Advisory Committee invites the authorities to ensure that budgetary cuts do not have a disproportionate impact on support allocated to minority culture. Particular attention should be paid to securing sustainability of the activities aiming at preserving and promoting minority culture.

61. It also invites them to make further efforts to secure effective and timely participation of national minority representatives in decision-making on projects aimed at supporting minority culture, so as to meet their needs more effectively.

**Article 6 of the Framework Convention****Legal status of persons deleted from the list of permanent residents***Recommendations from the two previous cycles of monitoring*

62. In the previous cycles of monitoring, the Advisory Committee urged the authorities to find solutions to the problems faced by those persons referred to then as “non-Slovenes from former Yugoslav republics”, including many Roma, who were “erased” from the register of public residents in 1992 (the so-called “erased persons”).<sup>11</sup> Additionally, it invited them to

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<sup>11</sup> See in particular paragraphs 55 to 61 of the Second Opinion of the Advisory Committee on the implementation of the Framework Convention in Slovenia and paragraphs 31 and 32 of its first Opinion on Slovenia.

develop a strategy to help these persons overcome difficulties arising from this situation and to facilitate their integration in the Slovenian society.

*Present situation*

63. The Advisory Committee welcomes the adoption, on 8 March 2010, of the Act Amending the Act Regulating the Legal Status of Citizens of Other Successor States to the Former SFRY in the Republic of Slovenia. This new act grants permanent residence status retroactively to those who were “erased” from the residence registers in February 1992 and thereby ensures compliance with the decision of the Slovene Constitutional Court of 2003.<sup>12</sup> The Advisory Committee is very pleased to note that this act puts an end to long-standing violations of the rights of many of the persons who were “erased” from registers in 1992.<sup>13</sup> It should also substantially contribute to improving the social climate with regard to these persons.

64. The Advisory Committee was nonetheless informed that problems might still be faced by those persons who left Slovenia as a result of them having been “erased” and are currently residing abroad. On the one hand, they will have to prove that they were expelled or had to leave the country following their having been “erased” from the residence register, which might be difficult in many cases and result in discriminatory treatment. On the other hand, the current formulation of the law reportedly casts a doubt on whether those who have been residing abroad for more than 10 years can claim residence under this new act.

65. The Advisory Committee expects that the act will be interpreted so as to enable as many as possible of those currently living abroad to have their residence right restored retroactively. It is also important that the authorities do their utmost to disseminate as widely as possible information on the procedures for regularisation under this new act and to avoid unnecessary administrative obstacles. The Advisory Committee finds it essential that persons or families who have been in a very difficult situation for many years as a result of them having been “erased” have their legal status regularised as soon as possible and are able to integrate effectively into Slovenian society.

*Recommendation*

66. The Advisory Committee encourages the authorities to promote an inclusive interpretation of the new Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia with a view to giving retroactive access to permanent residence to as many persons as possible of those who were “erased” in 1992 and are consequently living abroad. Additional measures should be taken to help them integrate effectively in Slovenian society.

**Combating intolerance and hate speech**

*Recommendations from the two previous cycles of monitoring*

67. In the previous cycles of monitoring, the Advisory Committee invited the authorities to make further efforts to combat manifestations of intolerance and racism, affecting in particular Roma, the German-speaking population and non-Slovenes from former Yugoslavia.

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<sup>12</sup> Constitutional Court Decision of 3 April 2003, decision N° U-I-246/02.

<sup>13</sup> See Judgment of the European Court on Human Rights: *Kuric and others v. Slovenia* of 13 July 2010, application N° 26828/06, presently pending before the Grand Chamber.



68. The Advisory Committee also stated that the media should be encouraged to pay more attention to the country's cultural and ethnic diversity and to refrain from disseminating stereotypes and prejudices against persons belonging to some minority groups.

*Present situation*

69. The Advisory Committee is pleased to note that measures have been taken recently by the authorities to improve the overall climate of tolerance and mutual understanding (see paragraph 30 and 63 above, concerning persons belonging to the "new national communities" ). Moreover, it found during its visit that the atmosphere prevailing in the region of Prekmurje, where a substantial part of the Hungarian and Roma minorities live, was particularly positive and supportive of intense inter-cultural exchanges. It also notes with satisfaction that programmes are regularly implemented by the authorities to value diversity in society and to promote more tolerance and understanding<sup>14</sup> (see also remarks under Article 12 below). Specific training activities have been carried out for the police on combating discrimination and policing in multiethnic environment.<sup>15</sup>

70. However, it notes with concern that, despite substantial measures taken in recent years to improve the situation of the Roma, expressions of hostility and racism against them persist, particularly in the region of Dolenjska. The Advisory Committee is particularly worried by reported instances of collective protests by the local population, leading in some cases to forced evictions of Roma<sup>16</sup> and to events such as the recent opposition of the local population to the burial of a Roma woman in the cemetery of Dobruška vas in the Dolenjska region. It also deplores the multiplication of local initiatives on Roma issues, led by persons belonging to the majority population, sometimes resulting in increased tensions between Roma and the majority population. Additionally, it is informed that the lack of willingness of local authorities sometimes prevents the implementation of programmes aimed at improving the living conditions of the Roma (see remarks under Article 4 above). The municipality of Grosuplje, where it has been difficult to elect a Roma councillor in accordance with the Local Self-Government Act, illustrates the lack of co-operation of certain local authorities in implementing legislation and programmes for the benefit of Roma.

71. The Advisory Committee is also concerned by the persistence in parts of society of negative stereotypes regarding persons belonging to the "new national communities" and their dissemination, through the media and in the political arena (see paragraph 74 below). Against this background, the Advisory Committee welcomes the provision of the new RTV Act laying down an obligation for public broadcasters to broadcast programmes on these (and other) communities as well as the adoption on 1 February 2011 by the National Assembly of a declaration<sup>17</sup> acknowledging the need to provide more support for the preservation of the culture and languages of these persons (see also remarks under Article 3 above). Despite the fact that the RTV Act was rejected by referendum, these positive steps initiated at the highest political level represent a signal to society that the affirmation and promotion of the culture of persons belonging to the "new national communities" is an important and legitimate element of social cohesion.

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<sup>14</sup> Such as the "Dosta!" campaign, aimed at combating prejudices against the Roma.

<sup>15</sup> Including classes of Romani language and culture to improve communication between the Roma and the police.

<sup>16</sup> In one such case, a Roma family was forcibly removed from the municipality of Ambrus in 2007 following hostile demonstrations by the local population, which led to the temporary relocation of the family in a refugee centre. The same family was also met with hostility from the local population in the settlement of Cesta v Gorice (Ljubljana), where they were subsequently supposed to be relocated.

<sup>17</sup> See footnote N° 2.

72. Persons belonging to other communities, such as the German-speaking community, reported to the Advisory Committee that too often they are still subject to prejudice and stereotypes associated with the history of the Second World War, sometimes fuelled by the media. Persons belonging to the Italian minority also mention that they are sometimes perceived as still being associated with Italian fascism. In this context, the Advisory Committee is concerned that mainstream media seem to disseminate only very limited information on the national minorities, their language and culture.

73. The Advisory Committee is pleased to learn that the municipality of Ljubljana decided in 2008 to authorise the building of a mosque, despite virulent opposition by some political actors.

74. Although hate speech is a criminal offence (and the basis for prosecution was extended in 2007), the Advisory Committee notes with concern that hate speech continues to be expressed by certain politicians and to be disseminated through the media. It is affecting some minority groups in particular, such as the Roma and persons belonging to the “new national communities”. As in many countries in Europe, hate speech is on the rise on the Internet. Unfortunately, it appears that there is generally still a lack of awareness on the fact that hate speech is a crime. The prosecuting authorities are reportedly sometimes reluctant to identify and qualify hate speech as an offence. It is important that the judiciary and law-enforcement authorities be more proactive in fighting hate speech, without infringing on the editorial freedom of the media.<sup>18</sup> Regular monitoring of this problem is also lacking.

75. The regulatory bodies of the media, such as the Broadcasting Council and the Agency for Post and Electronic Communication, can issue warnings and make declarations in cases of hate speech in the media. However, they cannot withdraw the broadcasting licences in cases of repeated breaches of the RTV Act. The Advisory Committee was consequently pleased to see that the new RTV Act foresaw more effective sanctioning of hate speech and it regrets that this Act was rejected by referendum. It is also to be welcomed that a new project to fight hate speech on the Internet (“Web Eye”) was launched in 2010 by the Ombudsman Office. Moreover, it welcomes that the main media outlets signed in early 2011 a declaration in which they state their willingness jointly to combat hate speech, in particular on the Internet.

76. Lastly, interlocutors of the Advisory Committee have underlined that there is insufficient teaching about mutual understanding and respect for diversity in the educational system, despite efforts made in recent years, in particular during the European Year of Intercultural Dialogue in 2008. Moreover, according to minority representatives, there is not enough information on the history, culture and languages of national minorities in schools.

### *Recommendations*

77. The Advisory Committee calls on the Slovenian authorities to make further efforts to combat all forms of intolerance and racism targeting persons belonging to minorities - especially Roma -, and other groups, including in the political life and the media. Public media should be encouraged to provide the general public with more unbiased information on the history, culture and languages of the national minorities. It is crucial to ensure that local authorities abide by the principles of the Framework Convention and implement minority rights.

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<sup>18</sup> See also Committee of Ministers’ Recommendation N° R (97) 21 on the media and the promotion of a culture of tolerance, as well as the work of the European Commission against Racism and Intolerance (ECRI) on “combating racism while respecting freedom of information”, see Proceedings of the seminar of 16-17 November 2006 ([www.coe.int/ecri](http://www.coe.int/ecri)).

78. The Advisory Committee calls on the authorities to redouble efforts to combat the spreading of hate speech through the media, including on the Internet. It is essential to ensure that the supervisory organs of the media can play an active role in preventing and effectively sanctioning hate speech.

79. Additional measures should also be taken to develop further teaching about mutual understanding and respect for diversity and to disseminate more information on the history and culture of national minorities in schools.

### **Support allocated to other groups**

#### *Recommendations from the two previous cycles of monitoring*

80. In the previous cycles of monitoring, the Advisory Committee invited the authorities better to respond to the needs of non-Slovenes from former Yugoslavia and persons belonging to the German-speaking community as far as preservation and promotion of their identity, culture and languages are concerned.

#### *Present situation*

81. The Advisory Committee finds that progress has recently been made in acknowledging the needs of persons belonging to the “new national communities” (see comments above in paragraphs 63 and 69 as well as under Article 3 above). It is particularly pleased that the Declaration of the National Assembly on the policies of the Republic of Slovenia on new national communities foresees the creation of a consultative council of persons belonging to the “new national communities”, which should help the authorities to take better into account their needs. Against this background, it is informed by representatives of these groups that support for their activities remains insufficient and that persons whose “kin-State” does not have a co-operation agreement with Slovenia face particular difficulties in organising activities aimed at preserving their language and culture. In general, the Advisory Committee is of the opinion that the support provided from “kin-States” through international co-operation agreements cannot substitute assistance provided by the Slovenian authorities.

82. Therefore, the Advisory Committee welcomes that a programme was launched in 2009 by the Ministry of Culture to promote local integration of persons belonging to the “new national communities” and that funding for activities to promote their culture and languages was increased by 11% in 2010. It also understands that the authorities increasingly make use of the European Social Fund for projects aimed at supporting persons belonging to these groups. The Advisory Committee expects that the trend towards a better recognition of the needs of persons belonging to these groups and valuing their contribution to society will result in reducing the level of prejudice against them and improving their integration in society.

83. As far as persons belonging to the German-speaking community are concerned, the Advisory Committee understands that, in their view, the support provided in the framework of bilateral agreements with Austria is not sufficient<sup>19</sup> to cater for their needs and to preserve and develop their language and culture.

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<sup>19</sup> Actions undertaken in this context include a programme of training of teachers of German in the border region with Austria.

*Recommendations*

84. The Advisory Committee calls on the authorities to pursue and develop further initiatives aiming at affirming and promoting the culture of persons belonging to the “new national communities”.

85. It also invites the authorities to evaluate regularly the needs of persons belonging to the “new national communities” and the German-speaking community, in close co-operation with representatives of these groups, so as to provide them with adequate support.

**Article 9 of the Framework Convention**

**Media in Hungarian and Italian**

*Recommendations from the two previous cycles of monitoring*

86. In previous cycles of monitoring, the Advisory Committee expected that the needs of the Hungarian and Italian minorities would be duly taken into account in the process of preparation of a new bill on public audio-visual services.

*Present situation*

87. The Advisory Committee notes with satisfaction that radio and television broadcasting in Italian and Hungarian, through the Italian radio and television station in Koper/Capodistria (RTV Koper/Capodistria) and the radio and television studio in Hungarian in Lendava/Lendva respectively, continue to benefit from substantial state support. According to the information available to the Advisory Committee, the amount of broadcasting in both minority languages on radio and television should be maintained in the near future, although representatives of the Italian minority are worried that the scope of their productions is diminishing as well as the number of staff employed in RTV Koper/Capodistria. The Advisory Committee also notes that RTV Slovenia has decided to reduce its contributions to Italian and Hungarian broadcasting for 2011 and 2012 by approximately 10%. It reiterates its call to the authorities to ensure that budgetary constraints do not affect the activities of national minorities disproportionately.

88. National minority representatives expressed the view that they would need a scheme for longer term funding of minority media. The current system of allocation of public funds implies yearly negotiations, which makes it difficult in their view to develop their programmes in a more sustainable way.

89. At the time of the visit of the Advisory Committee to Slovenia, the RTV Act of 2010 had not yet been cancelled by the referendum of 12 December 2010 (see remarks under Article 3 above). It contained a number of changes in the organisation of broadcasting for the Italian and Hungarian minorities. While representatives of the Hungarian minority expressed positive views on this new act, the representatives of the Italian minority feared restrictions on their rights and opportunities with regard to broadcasting in Italian. Additionally, they regretted a lack of timely consultation in the process of elaboration of the act.

*Recommendation*

90. The Advisory Committee invites the authorities to continue supporting radio and television broadcasting in Hungarian and Italian, based on needs assessment conducted in close consultation with the representatives of the minorities concerned. Budgetary constraints should

not result in disproportionate reductions of the support allocated to the Hungarian and Italian broadcasting.

### **Media in Romani**

#### *Recommendations from the two previous cycles of monitoring*

91. In previous cycles of monitoring, the Advisory Committee encouraged the authorities to promote further the presence of the Roma in the media and to raise media awareness of their concerns.

#### *Present situation*

92. The Advisory Committee is pleased by a number of improvements concerning the presence of the Roma in the media since the second cycle of monitoring. Following the adoption of the RTV Act in 2005, RTV Slovenia has started to broadcast programmes in Romani or concerning the Roma. Moreover, young people from the Roma community were trained as journalists in 2006 by RTV Slovenia. Subsequently, there is a one hour weekly television programme on Roma-related issues, and partly in the Romani language, presented by a Roma journalist trained in 2006. A weekly Roma programme is also broadcast on the public radio since 2007.

93. The Advisory Committee also notes that the RTV Act of 2010 planned the setting up of a programming board for Roma programmes within the system of supervision of RTV Slovenia, on the model of the existing programming boards for the Hungarian and Italian minorities.

94. The Advisory Committee also welcomes the continued support provided to Radio Romic and the fact that it was allocated a frequency in 2008. This radio broadcasts bilingually (in Romani and Slovenian), which contributes to raising awareness among the majority population of Roma concerns. The Advisory Committee notes that two other private radio stations broadcast programmes in Romani/for Roma, covering also the region of Dolenjska.

95. The Advisory Committee understands, however, that there is a need for more training of Roma to become journalists. Moreover, it appears that coverage of minority issues in general by mainstream media remains very limited (see also remarks under Article 6 above).

#### *Recommendation*

96. The Advisory Committee encourages the authorities to build on the progress achieved in recent years to improve further participation of the Roma in the media. They should maintain their support to media broadcasting in Romani/on Roma issues, including private media outlets, and organise additional training of Roma to become journalists. They should also seek ways of ensuring adequate participation of Roma in the programming boards of RTV Slovenia.

### **Article 10 of the Framework Convention**

#### **Use of minority languages in relations with administrative authorities**

#### *Recommendations from the two previous cycles of monitoring*

97. In the previous cycles of monitoring, the Advisory Committee invited the authorities to remedy problems in the implementation of the legal framework on the use of the Hungarian and Italian languages in dealings with administrative authorities.

98. It also encouraged them to examine the needs of Roma in this field and to consider ways of meeting their needs.

*Present situation*

99. The Advisory Committee notes with regret that, although efforts have been made to promote further the use of minority languages in official contexts in the “ethnically-mixed areas” since the adoption of its second Opinion, there remain gaps in the implementation of the existing legislation in this field. Some representatives of the Italian minority have reported to the Advisory Committee that there is a lack of implementation of the principle of bilingualism at institutional level. These representatives regret in particular that Italian is not widely used by persons belonging to the majority population in the “ethnically-mixed” area where the Italian minority lives. In the region of Prekmurje where substantial numbers of persons belonging to the Hungarian minority live, the Advisory Committee was pleased to learn that the environment is considered by persons belonging to minorities here to be more conducive to the use of minority languages in public dealings.

100. In this context, the Advisory Committee welcomes the adoption of additional legislation completing the existing legal framework regarding linguistic rights of persons belonging to national minorities,<sup>20</sup> as well as the existence of a financial bonus system for civil servants, judges and prosecutors who are proficient in Hungarian or Italian in the “ethnically-mixed areas”, even though the implementation of the bonus system is reportedly problematic as there is no mechanism in place to test the language proficiency of those benefitting from bonuses. Moreover, it understands with satisfaction from representatives of minorities that conducting court proceedings in a minority language is usually as efficient as doing so in Slovenian. Additionally, the use of Hungarian or Italian with local authorities does not seem to raise problems, although difficulties have been reported when addressing state administration in minority languages. The Advisory Committee regrets, however, that there is a persisting lack of bilingual civil servants and that administrative documents are not always available in Hungarian or Italian.

101. As far as the Romani language is concerned, the Advisory Committee was informed that its use in relations with administrative local authorities remains almost non-existent. However, it notes with interest that a process of standardisation of the language is under way, which could contribute to a wider use of this language in public in the future.

*Recommendations*

102. The Advisory Committee invites the authorities to redouble efforts to implement effectively legislation governing the use of minority languages in relations with administrative authorities. There is a need for more determined support and greater awareness-raising amongst the general public to create a framework that will encourage persons belonging to national minorities to feel confident in using their languages in public life and in official situations.

103. Efforts to promote further the use of the Romani language in public dealings should also be pursued, in close consultation with Roma representatives.

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<sup>20</sup> In particular the adoption in November 2005 of the Amended Act on Public Administration, of the Decree on Administrative Operations in March 2005 and of the Act on the Lawyers’ State Examination (November 2007).

## Article 12 of the Framework Convention

### Situation of Roma in the education system

#### *Recommendations from the two previous cycles of monitoring*

104. In the previous cycles of monitoring, the Advisory Committee called on the authorities to take more decisive measures to combat unjustified isolation of Roma pupils in the education system and to ensure that such isolation practices are not repeated.

105. It also invited the authorities to recruit more teaching staff among Roma, to develop further the system of Roma school assistants and to make further efforts to promote the Roma language and culture so as to give other children a more positive image of the Roma minority.

#### *Present situation*

106. The Advisory Committee welcomes the fact that, following the adoption in 2004 of the strategy for the education of Roma and the subsequent outlawing of school segregation, practices of separation or isolation of Roma children have reportedly mostly disappeared, even in the case of the Bršljin primary school in Novo mesto.<sup>21</sup> The Advisory Committee was pleased to find out during its visit that many representatives of the Roma minority and other non-governmental organisations expressed satisfaction at the impact of the strategy for the education of Roma. It also notes with satisfaction that the strategy has regularly been revised so as to adjust better to the needs of Roma.

107. However, it is informed that important problems persist in the area of education, particularly in the region of Dolenjska, including a low rate of school attendance and the fact that a majority of Roma pupils do not continue to secondary education. This results in persistently high rates of illiteracy. Additionally, the Advisory Committee was informed that there is a lack of scholarships to train Roma assistants, a lack of specific training of teachers working with Roma pupils, and a general lack of information on Roma culture, language and history in the mainstream curriculum. Against this background, the Advisory Committee welcomes the preparation of a textbook on Roma culture as well as efforts made to introduce elements on Roma culture in schools where a substantial number of pupils are Roma. It is, nonetheless, necessary to raise further awareness on Roma culture and language in all schools, including those with no Roma pupils.

108. To tackle these problems, important projects are being implemented in co-operation with Roma associations.<sup>22</sup> The Advisory Committee welcomes the fact that these projects focus on three crucial areas to solve the difficulties facing Roma pupils: the training of Roma assistants as mediators between schools and Roma communities/families as well as of learning assistants to provide tutorship to Roma pupils at school; and an outreach programme to improve the enrolment of Roma children in pre-school education. According to the information provided to the Advisory Committee, the practices introduced as part of these projects should become part of the Slovenian educational system hopefully as of 2014-2015.

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<sup>21</sup> In this school, the practice of separating Roma children was in place until 2007-2008.

<sup>22</sup> The programme on “the successful integration of Roma in education” is being carried out until the end of 2011 and a new project on “raising the social and cultural capital in the Roma community” started in 2010 for three years, with support of the European Social Fund.

109. The Advisory Committee expects that the implementation of these programmes will bring about substantial and lasting changes in the educational situation of Roma pupils and, consequently, in the general socio-economic position of the Roma in society. These projects will, however, not result in tangible results before a few years; it is important, in the meantime, to ensure that Roma pupils currently of school age are not left behind and that temporary measures be taken to ensure that they integrate in the education system. Moreover, the Advisory Committee reiterates that it is crucial to involve effectively Roma representatives and organisations in the planning, implementation and monitoring of these projects and regularly to evaluate their impact, including by collecting relevant disaggregated data (see also remarks under Article 4 above).

*Recommendations*

110. The Advisory Committee encourages the authorities to pursue their efforts to tackle the difficulties facing Roma pupils in the education system and to support further programmes in this regard. Systematic monitoring and evaluation of these projects is crucial, as well as effective involvement of Roma communities in their design, implementation and monitoring.

111. More steps should be taken to disseminate information in schools on Roma culture, language and history, with a view to providing pupils from the majority population with non-biased information on Roma culture and to improve coexistence and mutual understanding. Particular efforts should also be made to raise awareness of teachers on Roma culture and provide those working in areas with substantial numbers of Roma with more adapted training.

**Article 14 of the Framework Convention**

**Instruction in minority languages and learning of these languages**

*Recommendations from the two previous cycles of monitoring*

112. In the previous cycles of monitoring, the Advisory Committee welcomed the possibilities for persons belonging to the Hungarian and Italian minorities to learn their minority languages and receive instruction in these languages. It underlined, however, shortcomings in the area of availability of teaching material and of recognition of qualifications obtained in Italy and Hungary.

113. The Advisory Committee regretted the absence of the Romani language in the education system, justified by a lack of standardisation of this language in Slovenia where three dialects of the Romani language are spoken.

*Present situation*

114. The Advisory Committee welcomes the fact that persons belonging to the Hungarian and Italian minorities continue to enjoy well-developed opportunities to receive instruction in their languages. This is done through the system of bilingual education (Slovenian-Hungarian) in place in the Prekmurje region and through educational institutions in Italian in the area where substantial numbers of Italians live. The Advisory Committee notes with satisfaction that the bilingual education system in Prekmurje was further reinforced by the setting up in 2005 of a new bilingual secondary school in Lendava/Lendva. Pupils belonging to the Italian and Hungarian minorities can also learn the minority languages outside the “ethnically-mixed areas” provided classes with a minimum of five pupils are formed.



115. Despite this positive framework, representatives of both minorities underline that teacher training for bilingual education (Hungarian-Slovenian) and education in Italian remains problematic. Training for bilingual education or teaching in minority educational institutions is not available to a sufficient extent in Slovenian universities. In the view of the Advisory Committee, training abroad or resorting to the recruitment of foreign teachers is not always an adequate solution. This situation has a particular impact on the teaching of technical subjects in Hungarian or Italian. The Advisory Committee notes that the authorities are aware of this problem and plan to improve the situation by means of retraining of teachers and through greater cross-border co-operation. Additionally, interlocutors of the Advisory Committee mentioned that recognition of the qualifications obtained by minority students in Italy and Hungary remains challenging.

116. Possibilities to study Romani at school remain very scarce, despite measures taken in recent years: only two schools reportedly offer optional lessons of Romani<sup>23</sup> although the Advisory Committee understands from Roma representatives that there is a demand for instruction in Romani or learning of this language at school. Against this background, the Advisory Committee notes with satisfaction that a grammar textbook in the three Slovenian Romani dialects was produced during the reporting period, as well as a textbook on Roma culture (see Article 12 above). Additionally, the Advisory Committee expects that the ongoing process of standardisation of Romani (see remarks under Article 10 above) will result soon in wider possibilities to study Romani at school. In this context, it draws the attention of the authorities to the “Curriculum Framework for Romani” elaborated by the Council of Europe.<sup>24</sup>

#### *Recommendations*

117. The Advisory Committee invites the authorities to continue supporting the functioning of bilingual (Slovenian-Hungarian) educational institutions and educational institutions in Italian. More resolute measures should be taken to provide teachers working in these institutions with adequate training and to tackle the difficulties encountered in the recognition of qualifications obtained abroad.

118. The Advisory Committee calls on the authorities to redouble efforts to develop teaching of Romani and in Romani at school with a view to improving integration on an equal footing of Roma pupils in the education system.

### **Article 15 of the Framework Convention**

#### **Participation of minorities in public affairs**

##### *Recommendations from the two previous cycles of monitoring*

119. In the previous cycles of monitoring, the Advisory Committee urged the authorities to take all necessary measures to ensure that a Roma councillor was elected to the Grosuplje local council, in accordance with the amended Local Self-Government Act. It also invited them to provide Roma councillors with training to enable them to carry out their tasks effectively. In general, it urged them to consider ways of increasing the participation of Roma in public affairs, while ensuring that both “autochthonous” and “non-autochthonous” Roma were able to take part effectively in decision-making concerning them.

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<sup>23</sup> In Maribor and Novo mesto.

<sup>24</sup> See at: [http://www.coe.int/t/dg4/linguistic/Source/Rom\\_CuFrRomani2008\\_EN.doc](http://www.coe.int/t/dg4/linguistic/Source/Rom_CuFrRomani2008_EN.doc) .

120. It also invited the authorities to identify, in consultation with representatives of the Hungarian and Italian minorities, ways of enabling them to take part more effectively in decision-making on legislative provisions concerning them.

*Present situation*

121. The Advisory Committee welcomes the amendments in September 2009 to the Law on Local Self-Government requiring the National Election Commission to call for elections of Roma councillors in the designated municipalities, should the municipalities fail to do so. However, the specific situation regarding the election of a Roma councillor in the local council of Grosuplje is worrying. This municipality failed to organise elections of the Roma councillor, and after the elections had been organised by the National Electoral Commission in January and in December 2010, it failed to confirm the mandate of the elected Roma councillor. The Advisory Committee is deeply concerned that the mandate of the duly elected Roma councillor had to be reconfirmed by the administrative court before he was finally able to participate in the work of the local council.

122. In the 19 other municipalities in which Roma councillors have been elected, the Advisory Committee understands that their participation in the work of local councils has had a positive impact on the way in which concerns of the Roma population are taken into account. However, many interlocutors underlined the need for further training of the Roma councillors, in order for them to be able to carry out their tasks effectively.

123. Nevertheless, the system of elected Roma councillors applies only to the 20 designated municipalities in which the Roma are considered to be “autochthonous”. The Advisory Committee is of the opinion that the authorities should enlarge the list of municipalities in which Roma communities are entitled to elect representatives in local councils, so as to ensure their consistent participation in public affairs at local level.

124. According to information at the disposal of the Advisory Committee, the participation of Roma in public affairs at national level remains insufficient, although progress has been made since the second Opinion. The Advisory Committee is pleased to note that Roma organisations were consulted in the preparation of the Roma Community Act of 2007 and of the National Strategy for Roma 2010-2015 adopted by the government in March 2010. In line with the Roma Community Act, a Roma Community Council was established in 2007 as a consultative body for the Parliament, the government and other state authorities. However, its composition raised controversy as two-thirds of the seats are reserved for one umbrella organisation, the Union of Roma of Slovenia.<sup>25</sup> It is of utmost importance to ensure that this body adequately reflects the diversity within the Roma community in Slovenia. The Advisory Committee is also informed that members of the Council in some cases would need further training to be able to carry out their tasks more effectively.

125. The Advisory Committee notes with satisfaction that persons belonging to the Hungarian and Italian minorities continue to have good possibilities to participate in public affairs at local level in the “ethnically-mixed areas”. However, the Advisory Committee regrets that their involvement in policy-making at central level remains insufficient, despite the existence of various consultation mechanisms.<sup>26</sup> In particular, interlocutors of the Advisory Committee were

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<sup>25</sup> This provision of the Act on the Roma Community was challenged by the Ombudsman Office in the Constitutional Court, which confirmed that it is not unconstitutional.

<sup>26</sup> There is a government Commission for the two National Communities, as well as a Commission of the National Assembly for the National Communities.

of the opinion that the consultation of national minority representatives on issues of concern to them, especially draft legislation, is often not carried out at the right moment. This reportedly prevents them from having their concerns duly taken into account.

*Recommendations*

126. The Advisory Committee calls on the authorities to ensure that the elected Roma councillor in the municipality of Grosuplje be able to carry out effectively his mandate in the local council, in accordance with the law. Further steps should also be taken to provide Roma councillors with all the support they need to carry out their tasks effectively, including adequate training.

127. All measures should be taken to ensure that Roma are able to take part in public affairs at the local level on an equal footing. It would be particularly important to consider enlarging the list of municipalities in which Roma communities are entitled to elect their representatives in local councils. The Advisory Committee also encourages the authorities to support further the work of the Roma Community Council. It is essential to ensure that the Council reflects the needs and concerns of all Roma communities living in Slovenia and that its members can effectively take part in decision-making on Roma-related issues.

128. The Advisory Committee invites the authorities to ensure timely and effective consultation of representatives of the Hungarian and Italian minorities, especially when preparing new legislation of concern to them, in order to make sure that their views are duly taken into account.

**Consultation of the Italian minority in the process of creating the new municipality of Ankaran/Ancarano**

*Present situation*

129. The Advisory Committee notes that the Constitutional Court of Slovenia ordered in November 2010 the creation of a new municipality in Ankaran/Ancarano, near Koper/Capodistria, following a local referendum held in 2009. The territory of this new municipality is part of the “ethnically-mixed area” as defined by law and should accordingly comprise Italian language institutions. This development is of deep concern for part of the Italian minority living on this territory. The Advisory Committee is concerned by the apparent lack of consultation and involvement of representatives of the Italian minority in the preparation of this administrative change. Consequently, their concerns seem not to have been taken into account. Additionally, there seems to be a lack of clarity as to the possible consequences of this administrative change for the protection of the rights of persons belonging to the Italian minority.

*Recommendation*

130. The Advisory Committee calls on the authorities to provide clear guarantees that the administrative change under way will not jeopardise the level of protection of minority rights enjoyed by persons belonging to the Italian minority residing in this part of the “ethnically-mixed area”. In general, when carrying out administrative changes in areas where persons belonging to minorities live in substantial numbers, particular attention should be paid to involving these persons closely in the process of change so that their concerns and needs are duly taken into account and their rights under the Framework Convention are fully respected.

### **Participation of minorities in socio-economic life**

#### *Recommendations from the two previous cycles of monitoring*

131. In the previous cycles of monitoring, the Advisory Committee invited the authorities to step up initiatives and programmes designed to improve the situation of the Roma, particularly in the areas of housing, unemployment and education. It underlined that it was essential to involve actively Roma in the various stages of development, implementation and evaluation of such measures.

#### *Present situation*

132. The Advisory Committee was informed that, although the conditions in different regions of Slovenia differ, the participation in socio-economic life of most of the Roma continues to be very limited. In particular, their housing situation remains very poor, especially in some areas (see remarks under Article 4 above), which has a negative impact on their health status, access to education and employment. Unemployment rates are very high, although Roma have reportedly not been disproportionately affected by the global economic crisis. The Advisory Committee is concerned by these persistent problems that perpetuate the marginalisation of Roma population.

133. Against this background, the Advisory Committee welcomes the adoption in 2010 of the National Programme of Measures for Roma for 2010-2015, elaborated in co-operation with Roma representatives (see also remarks in respect of Article 4 above). It believes that the strategy, which focuses on six main areas (housing, education, employment, health, culture and language and the fight against discrimination), is an important step forward. It understands in this context that public tenders were launched for local authorities to develop infrastructures, Roma housing and employment (mainly through public work programmes). It expects that the authorities will take all the required measures to encourage local authorities to apply for tenders and develop plans to improve the situation of the Roma.

134. Representatives of the Hungarian and Italian minorities deplore the fact that many young, educated persons tend to leave the “ethnically-mixed areas” due to a lack of economic opportunities and incentives to stay. They particularly regret the lack of willingness of students belonging to those minorities to opt for careers in minority educational institutions. In this context, the Advisory Committee is pleased to see that in the Plan for the economic development of the region of Pomurje 2010-2015, mention is made of the importance of paying particular attention to the needs of the “ethnically-mixed areas” so as to create further economic opportunities for persons belonging to the Hungarian community. The Advisory Committee is indeed of the opinion that representatives of minorities should be closely involved in the preparation and implementation of regional economic development plans, so that their concerns are also duly taken into account.<sup>27</sup>

#### *Recommendations*

135. The Advisory Committee calls on the Slovenian authorities to ensure effective and timely implementation of the National Programme of Measures for Roma for 2010-2015, by allocating the necessary financial and human resources. Roma representatives should remain closely involved in the implementation and evaluation of the measures taken and programmes

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<sup>27</sup> See Advisory Committee on the Framework Convention for the Protection of National Minorities: *Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs* (2008).

implemented in this context. Particular emphasis should be placed on awareness-raising of the local authorities on their responsibilities as part of the implementation of these measures.

136. The Advisory Committee encourages the authorities to take fully into account the needs and concerns of persons belonging to national minorities when designing and implementing regional economic plans covering the “ethnically-mixed areas”. They should also consider, in consultation with national minority representatives, possible incentives for young persons belonging to national minorities to stay in these regions and work for minority institutions.

## **Article 17 and 18 of the Framework Convention**

### **Crossborder co-operation**

#### *Recommendations from the two previous cycles of monitoring*

137. In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to develop further bilateral co-operation, particularly with neighbouring states.

#### *Present situation*

138. The Advisory Committee is pleased by the well-developed co-operation with neighbouring states in the field of minority protection, both at inter-states level and at the level of co-operation between minority organisations. It notes with particular interest that joint projects are being implemented jointly by the Italian minority in Slovenia and the Slovene minority in Italy and by the Hungarian minority in Slovenia together with the Slovene minority in Hungary.<sup>28</sup> Intense co-operation is also taking place between persons belonging to the Italian minority on either sides of the Slovenian-Croatian border.

139. Despite the existence of numerous crossborder co-operation agreements and intense exchanges in practice, interlocutors of the Advisory Committee reported that insufficient implementation of minority rights by neighbouring States is sometimes used as an argument-for not giving further consideration to claims by representatives of minorities. This discourse has a negative impact on public perceptions of persons belonging to national minorities. The Advisory Committee wishes to reiterate that the rights protected under the Framework Convention are not conditional to progress recorded on similar issues in neighbouring countries.

#### *Recommendation*

140. The Advisory Committee encourages the authorities to continue supporting the development of intense crossborder co-operation in all areas concerning persons belonging to national minorities. The Advisory Committee calls on all parties concerned to refrain from linking the implementation of protective measures for persons belonging to national minorities under the Framework Convention to progress on similar issues in neighbouring countries.

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<sup>28</sup> A joint project with EU support is being implemented (2007-2013) with the aim of teaching Slovenian in Italy and Italian in Slovenia to target groups, such as civil servants, health practitioners, policemen, etc on either side of the border. Hungarians in Slovenia and Slovenes in Hungary have a joint printed press project.

### **III. CONCLUSIONS**

141. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Slovenia.

#### **Positive developments following two cycles of monitoring**

142. In 2007, Slovenia adopted the Act on the Roma Community in Slovenia, which provides a clearer definition of the specific rights granted to the Roma minority and clarifies the responsibilities of the various levels of authorities in charge of implementing these rights. Comprehensive programmes have also been launched to tackle the root causes of some of the main difficulties facing the Roma, in particular in the area of education and housing.

143. The adoption in 2010 of a new Act amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia grants permanent residence status retroactively to those who were “erased” from the residence registers in February 1992. The adoption on 1 February 2011 by the National Assembly of a Declaration on the Policies of the Republic of Slovenia on New National Communities indicates increased willingness to promote integration of persons belonging to these groups into Slovenian society and to set a more favourable social climate towards them.

144. The Ombudsman Office has continued to pay particular attention to the situation of persons belonging to minorities and to the protection of their rights. It is a major remedy for potential victims of discrimination.

145. The authorities have continued to provide substantial support to the media in the Hungarian and Italian languages, as well as to the cultural and educational institutions of these two minorities. Broadcasting in Romani and on the Roma on public radio and television has developed and Roma have been trained as journalists.

146. A Roma Community Council was established in 2007 as a consultative body for the Parliament, the government and other state authorities. Roma councillors have been elected in 20 local councils, in accordance with the law.

147. Crossborder co-operation with neighbouring states on minority issues continues to be well-developed. It is supplemented by the implementation of important projects by minority organisations from either side of the borders with neighbouring countries.

#### **Issues of concern following two cycles of monitoring**

148. The socio-economic situation of many Roma remains of deep concern, especially in the region of Dolenjska. Many of them continue to live in substandard settlements, isolated from the majority population. While substantial efforts have been made since the second monitoring cycle, Roma pupils encounter important difficulties in the area of education and the majority of them do not reach secondary education. Prejudice and hostile attitudes against the Roma persist and are sometimes fuelled by the media and politicians. Some local authorities do not abide by their duties in the field of minority protection and are reluctant to implement strategies developed at central level.

149. Hate speech continues to be expressed by certain politicians and to be disseminated through the media. It is on the rise on the Internet. Unfortunately, there is generally still a lack of awareness on the fact that hate speech is a crime and the prosecuting authorities are sometimes reluctant to identify and qualify hate speech as an offence.

150. Despite important steps taken by the authorities, prejudices and stereotypes against persons belonging to the “new national communities” and the German-speaking community persist and the support allocated to them is not sufficient to cover their needs in the field of preservation of their languages and culture.

151. Uncertainties remain with regard to the scope of application of the new Act amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia, in particular with regard to those having spent more than ten years abroad as a result of their being “erased” in 1992.

152. The support allocated to the preservation and promotion of minority culture and languages, including through the media, is often allocated on a project or yearly basis and there is a lack of regular, baseline support to allow the development of activities on a long-term basis.

153. The legislation protecting the language rights of persons belonging to national minorities is not always effectively implemented in the “ethnically-mixed areas”.

154. There is a lack of trained teachers to work in bilingual (Hungarian-Slovene) schools and Italian-language schools, especially for technical subjects. Opportunities to learn Romani or to be taught in Romani in the education system remain scarce.

155. Roma living in areas other than the 20 municipalities in which they are entitled to elect their local councillors lack channels of participation in public affairs at the local level. The Roma Community Council appears not to be entirely representative of the diversity of the Roma community. Consultation of the representatives of the Hungarian and Italian minorities is not always sufficiently effective, especially when preparing new legislation of concern to them.

156. It is regrettable that the concerns of persons belonging to the Italian minority seem not to have been sufficiently taken into account and that effective consultation of the latter was not carried out when preparing for the creation of a new municipality in Ankaran/Ancarano.

## **Recommendations**

157. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

### **Issues for immediate action<sup>29</sup>**

- **Take, as a matter of priority, all measures to ensure that effective remedies are available to potential victims of discrimination; intensify actions to raise awareness of discrimination-related issues in society, including in the judiciary and law enforcement agencies.**

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<sup>29</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- **Ensure that Roma representatives are able to take part in public affairs at local level in all the municipalities in which they live in substantial numbers; take further steps to provide elected Roma councillors with all the support they need to carry out their tasks effectively, including adequate training; ensure that the Roma Community Council adequately represents the diversity of groups within the Roma community.**
- **Ensure effective involvement of national minority representatives in discussions on any administrative change that could have an impact on minority protection; in particular, take measures to guarantee that the protection of persons belonging to national minorities will not diminish as a result of the creation of the municipality of Ankaran/Ancarano.**

Further recommendations<sup>30</sup>

- Continue to take vigorous measures to improve the housing conditions of the Roma. Pursue efforts to tackle the difficulties faced by Roma pupils in the education system. Firmly condemn and sanction any form of discrimination against Roma in these areas.
- Identify effective ways of improving the implementation of the existing legislative framework for the protection of the culture and languages of national minorities, in close consultation with minority representatives. Pay particular attention to securing sustainability of the activities aiming at preserving and promoting minority culture.
- Promote an inclusive interpretation of the new Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia with a view to giving retroactive access to permanent residence to as many as possible of those who were “erased” in 1992 and are consequently living abroad.
- Ensure that no discrimination arises in practice for persons belonging to non-recognised groups, such as persons belonging to the “new national communities” and the German-speaking community and that adequate resources are allocated for the preservation of the languages and culture of these persons.
- Make further efforts to combat all forms of intolerance and hate speech targeting persons belonging to minorities and other groups, including in the political life and the media. Encourage public media to provide the general public with further, unbiased information on the history, culture and languages of the national minorities.
- Continue to support media broadcasting in Romani and on Roma issues, including through private media outlets; organise additional training of Roma to become journalists.

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<sup>30</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.



- Provide teachers working in bilingual (Hungarian-Slovene) and Italian language institutions with improved training. Redouble efforts to develop the teaching of Romani and in Romani at school.
- Guarantee a more effective and timely participation of national minority representatives in decision-making on projects aiming at supporting minority culture and on laws having an impact on persons belonging to national minorities, so as to better cater for their needs.