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

Second Opinion on Slovenia adopted on 26 May 2005

EXECUTIVE SUMMARY

Since the adoption of the first Opinion of the Advisory Committee in September 2002, Slovenia has continued to pay attention to the protection of national minorities. A number of positive steps has been taken in this area, such as the adoption of an Act on Equal Treatment and the setting up of institutional structures for ensuring protection from discrimination. The Hungarian and Italian minorities continue to enjoy, in accordance with the Constitution and the relevant legislation, a high level of protection.

There remain, however, shortcomings in the implementation of the Framework Convention. In respect of the Hungarians and Italians, additional efforts should be made, at the central and, in particular, at the local level, in order to ensure that existing legal framework related to the promotion of their cultural identity, their access to media and the use of their languages in the public sphere, is implemented more effectively.

Further steps should be taken, in co-operation with those concerned, to address the difficulties faced by many Roma in housing, employment and education, where more resolute action is needed to eliminate the persisting practice of segregating Roma children.

Increased efforts should be made to promote tolerance and intercultural dialogue in respect of persons from other parts of the former Yugoslavia (SFRY) living in Slovenia, as well as the integration of these persons into society, in a manner that supports preservation of their identity and culture, and solve remaining problems concerning their legal status.

In addition, there is a need to pursue a more inclusive approach and wider dialogue at the domestic level with regard to the personal scope of application given to the Framework Convention in Slovenia.

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

SECOND OPINION ON SLOVENIA

1. The Advisory Committee adopted the present Opinion on 26 May 2005 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 2nd State Report (hereinafter the State Report), received on 2 July 2004, 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 and Koper from 4 to 8 April 2005.
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 covers 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 first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Slovenia, adopted on 12 September 2002.
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.

I. MAIN FINDINGS

Monitoring process

6. The Advisory Committee welcomes the Slovene authorities' willingness to pursue, in the context of the second cycle of monitoring of the Framework Convention, the dialogue on the implementation of this convention in Slovenia. It regrets, however, that this dialogue has not been broader at the national level and that only a limited number of organisations representing minorities were consulted in the process of drafting the State report. It notes in addition that, although the State Report contains a detailed description of the constitutional and legislative framework for the protection of national minorities and the recent measures taken by Slovenia in this area, it gives more limited information about the impact of those measures on the actual situation of the individuals and groups concerned.

7. It is unfortunate that representatives of national minorities and Slovene civil society were able only belatedly to acquaint themselves with the findings of the first cycle of monitoring of the application of the Framework Convention, the Opinion of the Advisory Committee and the government's comments thereon, which were published just prior to the Advisory Committee's second-cycle visit to Slovenia. As well as making the Advisory Committee's dialogue with the relevant non-governmental contacts more difficult, this situation has also had an adverse impact on the effectiveness of the monitoring of the Framework Convention. It is essential that, in future, the authorities take more decisive measures to inform the public and raise awareness of the findings of the monitoring process, *inter alia*, by translating the relevant documents, such as the Opinion of the Advisory Committee, the State Comments and the corresponding Resolution of the Committee of Ministers.

8. Without the publication and dissemination of information about the first cycle and adoption of the first Resolution by the Committee of Ministers, the Slovene authorities were unable to hold a follow-up seminar bringing together representatives of the various government bodies concerned, national minorities and the Advisory Committee, in order to consider the most appropriate ways of translating the findings of the monitoring process into action. The experience of the first monitoring cycle in respect of several countries shows that, on the one hand, such activities foster constructive dialogue at national level regarding the implementation of the Framework Convention, and, on the other hand, they raise awareness and give the various groups concerned a better understanding of the issues surrounding national minorities. It is to be hoped that, as indicated during the Advisory Committee's visit to Slovenia, the authorities will pay the requisite attention to such follow-up activities in future.

Personal scope of application of the Framework Convention

9. The Slovene authorities retain their approach whereby the Framework Convention for the Protection of National Minorities applies only to members of the Hungarian and Italian autochthonous communities, recognised as national minorities, and members of the Roma community. Although, in practice, some assistance measures in specific fields – including

culture and education – are provided to persons belonging to other ethnic groups who live in Slovenia, there has been no progress since the first monitoring cycle, nor dialogue opened by the competent authorities at national level, as to the possibility of extending the personal scope of application of the Framework Convention.

10. The case of non-Slovenes from other parts of the former Yugoslavia (the former Socialist Federative Republic of Yugoslavia, hereinafter SFRY), most of whom had already settled in Slovenia before 1991 and many of whom possess Slovene citizenship, requires particular attention. This includes persons of Albanian, Bosniac, Croatian, Macedonian, Montenegrin or Serbian origin. In view of these persons' specific position in Slovenia, the many problems they face and their desire to be able to preserve and develop their identity, it is particularly important that the authorities address their situation and consider the possibility of adopting a more inclusive approach to the scope of application of the Framework Convention in relation to them.

11. The legal status of non-Slovenes from former Yugoslavia (SFRY) who, having been deleted from the register of permanent residents in 1992, found themselves foreigners in the country they were living in and who have subsequently been unable to regularise their presence in Slovenia, continues to represent a challenge for the authorities. The Advisory Committee welcomes the positive developments that have enabled a considerable number of these persons to obtain permanent residence status in recent years. However, it notes with concern that several thousand people are still awaiting clarification of their legal status, even though they have settled permanently in Slovenia and face serious problems in a range of areas. The authorities are urged to take immediate action to resolve the legal status of these persons, while making provision for assistance measures to facilitate their access to social, economic and other rights and, more generally, their integration in Slovene society.

12. The Advisory Committee considers that the distinction based on the concept of "autochthonous" should not be retained as the determining criterion to define the personal scope of application of the Framework Convention.

13. It is noted for instance that, in practice, some Roma remain outside the protection of the Framework Convention, owing to the above-mentioned distinction, which the authorities continue to make in relation to them, although it cannot be found in either the Constitution or the declaration deposited when the convention was ratified. In addition, the German-speaking population and the Sinti of Slovenia are not eligible, in the view of the Government, for such protection either. More generally, the Advisory Committee considers, in line with the conclusions of the first monitoring cycle, that the authorities should open a dialogue internally concerning their position in respect of the personal scope of application of the Framework Convention. In consultation with those concerned, they should consider the possibility of applying the relevant articles of the Framework Convention to other persons, including non-citizens if appropriate.

General legislative framework and institutional arrangements

14. The Advisory Committee recalls the high level of protection established by the

Constitution for the Hungarian and Italian minorities, which is detailed in the relevant legislation. The Advisory Committee also notes that discussions are under way as to the possible enactment, in line with Article 65 of the Constitution, of a general law on the status and rights of Roma. The authorities are urged to continue the consultation under way and to examine the possibility of drafting such a law.

15. The passage, in May 2004, of the Act on Equal Treatment is also to be welcomed. This Act provides, *inter alia*, additional means of protection from discrimination by setting up the Council for the Implementation of the Principle of Equal Treatment and establishing the institution of Advocate for the Principle of Equality. It is essential that every effort is made to ensure the smooth operation of these new institutions, and particularly that the activities of the Advocate for the Principle of Equality enjoy the necessary independence. Specific measures should also be taken to inform the public and raise awareness in this respect.

16. Shortcomings are reported, however, in the implementation of the legislation dealing with the protection of minorities, notably at the local level and, in some cases, owing to a lack of co-ordination among the relevant public authorities, at both the central and local levels. In particular, it appears that some local authorities are reluctant to allocate budgetary funds to measures aimed at improving the situation of Roma. At the same time, the Hungarian and Italian minorities report problems in the practical application of the legislation concerning the use of the Hungarian and Italian languages in the public sphere, in the relevant regions.

Preservation and affirmation of identity

17. The Advisory Committee is pleased to note that Hungarians and Italians continue to enjoy particularly favourable conditions when it comes to the preservation and development of their culture. However, representatives of both communities have expressed certain concerns about the prospects for the preservation and affirmation of their identity, reporting shortcomings in respect of the level of resources allocated to their cultural projects and their future participation in the management of cultural institutions. Shortcomings are also reported in terms of actually exercising the special rights secured to these persons in the linguistic field, which is crucial to the preservation of their identity

18. Although progress has been made in this area, more decisive measures are needed at all levels with a view to promoting Roma culture and identity and encouraging more positive attitudes towards Roma within society.

19. The preservation and development of the identity and culture of persons belonging to other groups, such as non-Slovenes from former Yugoslavia (SFRY) and the German-speaking population, necessitate more substantial efforts on the part of the authorities. Although positive developments have taken place, both in the education sector and in terms of the assistance granted for cultural projects, the State engagement in this area remains limited, and the resources mustered are not commensurate with the needs.

Tolerance and intercultural dialogue

20. Generally speaking, Slovenia is characterised by a climate of tolerance and mutual understanding. Nevertheless, more decisive efforts are needed in order to reinforce a sense of respect for the diversity and multiculturalism of Slovene society, and to guard against and combat the negative attitudes that are still reported, albeit sporadically, towards persons such as Roma and non-Slovenes from former Yugoslavia (SFRY). In particular, it is unfortunate that such attitudes of intolerance, and even xenophobia, are sometimes found among politicians and representatives of public authorities, and that some media contribute to the development of such attitudes.

21. The Advisory Committee considers, in particular, that it is essential to develop a social climate and attitudes that are more conducive to the integration, within Slovene society, of non-Slovenes from former Yugoslavia (SFRY). Urgent attention should be given to those who, having been deleted from the register of permanent residents in 1992, are still waiting for their legal status to be resolved. The receptiveness and particular commitment shown in this connection by public institutions such as the Human Rights Ombudsman (hereinafter: Ombudsman) and the Constitutional Court are to be welcomed.

Situation of the Roma

22. The Roma continue to face various problems in Slovenia, even though the authorities have made this issue a priority and efforts have been made in a range of areas in recent years. Despite some improvements, many Roma still face discrimination and social exclusion. Such problems are particularly evident in the case of those not considered “autochthonous”. Serious problems remain in the fields of employment, where particularly high rates of unemployment among Roma continue to be reported, and housing, with a significant number of Roma continuing to live in substandard conditions, and, in many cases, illegal settlements.

23. As regards education, the Advisory Committee notes that, broadly speaking, and thanks to the various measures taken by the Government, there is a greater level of inclusion of Roma children in the education system. However, the practice of undue placement of these children in “special” schools has not been completely abolished. In addition, albeit in isolated cases, separate classes or groups of Roma children in ordinary schools continue to be reported. It is too early, at this stage, to assess the success of the measures taken with a view to discontinuing such practices and properly integrating all Roma children into the education system.

24. Although there have been improvements, Roma participation in decision-making remains insufficient. More decisive efforts are needed in order to ensure more effective participation by the Roma councillors elected to municipal councils. The Advisory Committee also notes that one municipality has still not elected a Roma representative to the local council, as provided for by the Local Self-Government Act and the related Constitutional Court decision. Improvements could also be made with a view to enabling the Roma to voice their concerns more effectively during the decision-making process at central level.

Participation in public affairs

25. Generally speaking, Hungarians and Italians enjoy conditions conducive to their participation in decision-making at central and local level. However, deficiencies are reported by the representatives of both communities as regards the actual impact of this participation, particularly at central level.

II. ARTICLE-BY-ARTICLE FINDINGS

ARTICLE 3 OF THE FRAMEWORK CONVENTION

Personal scope of application of the Framework Convention

Findings of the first cycle

26. In its first Opinion on Slovenia, the Advisory Committee encouraged the authorities to adopt a more inclusive approach to the personal scope of application of the Framework Convention and to consider the possibility of including persons belonging to other groups, in particular the German-speaking population and non-Slovenes from other parts of former Yugoslavia (SFRY), in the protection afforded by this Convention, on an article-by-article-basis.

27. In view of the legal and practical uncertainties raised by the concept of “autochthonous” character, used by some authorities to determine which persons belonging to the Roma community are covered by the Framework Convention, and the risks of arbitrary exclusion inherent in this concept, the authorities were also invited to review its relevance and the justification for retaining it.

Present situation

Outstanding issues

28. The Advisory Committee notes that, in accordance with the declaration deposited by Slovenia when it ratified the Framework Convention¹, the Government considers that the personal scope of application of the Framework Convention in Slovenia is still limited to persons belonging to three groups, namely the autochthonous Hungarian and Italian national communities and the Roma community. Article 64 of the Slovene Constitution specifically secures special rights to the autochthonous Hungarian and Italian national communities. Article 65 of the Slovene Constitution also guarantees the status and special rights of Slovenia’s Roma community, while stipulating that this status and these special rights shall be regulated by law. This approach is reflected, at the institutional level, in the definition of the sphere of competence of the Government Office of Nationalities, which deals only with issues concerning the three ethnic groups specifically mentioned in the Constitution.

29. According to the information available to the Advisory Committee, the “autochthonous” character of the population in question, closely bound up with the principle of

¹“Considering that the Framework Convention for the Protection of National Minorities does not contain a definition of the notion of national minorities and it is therefore up to the individual Contracting Party to determine the groups which it shall consider as national minorities, the Government of the Republic of Slovenia, in accordance with the Constitution and internal legislation of the Republic of Slovenia, declares that these are the autochthonous Italian and Hungarian National Minorities. In accordance with the Constitution and internal legislation of the Republic of Slovenia, the provisions of the Framework Convention shall apply also to the members of the Roma community, who live in the Republic of Slovenia.”

territoriality, continues to represent a key element in the definition of the personal scope of application of the Framework Convention.

30. In the case of the Roma, the Advisory Committee notes that only those Roma considered “autochthonous” are included by the Slovene authorities in the scope of application of the Framework Convention, even though neither the Slovene Constitution nor the aforementioned declaration mention such a requirement in relation to them.

31. The Advisory Committee finds it regrettable that no progress has been made in this respect, and that the Slovene authorities have not considered the matter since the first monitoring cycle. It notes that, although legal uncertainty subsists with regard to the meaning of the term “autochthonous”, the distinction between “autochthonous” and “non-autochthonous” Roma communities is still present in the practice of most of the government bodies responsible for protecting national minorities.

32. The Advisory Committee considers this approach problematic in the light of the Framework Convention, and finds that it is likely to give rise to arbitrary exclusions and discriminatory practices in respect of certain persons potentially concerned by the specific policies and measures implemented under this convention.

33. The Advisory Committee recalls the presence in Slovenia of a significant number of former citizens of other republics of former Yugoslavia (SFRY) - of Albanian, Bosniac, Croatian, Macedonian, Montenegrin, Serbian and other ethnic origins - who do not enjoy a recognition or protection comparable to that afforded to the Hungarian and Italian minorities, or even to the Roma. It notes that most of these persons had already settled permanently in Slovenia before the country’s independence, and many of them now possess Slovene citizenship. The Advisory Committee points out that these persons represent a significant proportion of the country’s population,² and that they are *de facto* in a minority position. Some of them constitute well-established communities, which the authorities acknowledge.

34. The Advisory Committee acknowledges that the Contracting Parties have a margin of appreciation in determining the personal scope of application of the Framework Convention. It considers, however, that it is part of its duty to examine the personal scope of application given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made.

35. The Advisory Committee finds regrettable that the authorities have decided to address the situation of these persons as part of their policy on economic immigrants³, despite their

² According to non-governmental estimates, such persons account for 10% of the total population. According to the results of the population census held in 2002, the ethnic composition of the population of Slovenia (a total of 1,964,036) is as follows: 1,631,363 (83.06%) Slovenes; 38,964 Serbs (1.98%); 35,642 Croats (1.81%); 21,542 Bosniacs (1.10%); 10,467 Muslims (0.53%); 6,243 Hungarians (0.32%); 6,186 Albanians (0.31%); 3,972 Macedonians (0.20%); 3,246 Roma (0.17%); 2,667 Montenegrins (0.14%); 2,258 Italians (0.11%), 499 Germans (0.03 %), 181 Austrians (0.01 %), etc.

³ A similar approach is adopted in respect of those Roma not considered “autochthonous”, who are in general persons having left other parts of former Yugoslavia (SFRY) to settle in Slovenia more recently, particularly since

formal request to the Government that they be recognised as national minorities and, as such, be eligible to benefit from specific protection measures. It considers that the Slovene authorities ought to take into account the specific situation of these persons and be more receptive to their request. While acknowledging that sectorial dialogue has been opened, the Advisory Committee finds it particularly regrettable that no dialogue has been opened by the competent authorities on this particular issue with their representative associations.

36. The Advisory Committee also notes the long-standing presence in Slovenia of German-speaking persons, having identified themselves as German or Austrian in the last population census, who also remain outside the scope of application of the Framework Convention. This is also the case for a small group of people identifying themselves as Sinti, who expressly indicated that they wished to be treated by the authorities as a distinct ethnic group.

37. The authorities state that persons belonging to the aforementioned groups have access, in their attempts to preserve and develop their culture and identity, to project-based funding from the Ministry of Culture. They also point to Article 61 of the Constitution, which deals with the expression of national/ethnic affiliation, as the constitutional basis for the protection of such persons. It is true that this article guarantees everyone the right to express freely his or her affiliation with an ethnic group or community, and to foster and develop his or her culture and language. However, the Advisory Committee notes that this is a constitutional provision which remains very general in scope, and may prove insufficient when it comes to eligibility for specific protection measures aimed at maintaining and developing an identity, unless specific legislation is adopted to implement it in practice.

38. In view of the situation outlined in the preceding paragraphs, the Advisory Committee has serious doubts regarding the relevance and justification, for the purpose of the application of the Framework Convention, of the distinctions made in Slovenia between the various ethnic groups present within the country. It notes that these distinctions are based on insufficiently defined concepts - such as that of “autochthonous” - and do not take into account the specific situation linked to the dissolution of the former Yugoslavia (SFRY).

39. Like other national and international bodies that have looked into the matter⁴, the Advisory Committee is of the opinion that the Slovene authorities should open a dialogue with those persons who have shown an interest in the protection of the Framework Convention and that they should adopt a more inclusive approach in order to better respond to the established reality on the ground, reflected *inter alia* in the results of the last population census. The Advisory Committee considers, in particular, that it would be possible to examine, in consultation with those concerned, the possibility of including persons belonging to other groups, including non-citizens where appropriate, in the personal scope of application of the Framework Convention.

1991. It has to be said that a considerable number of the latter continue to face problems in their efforts to regularise their status, either as foreigners or by obtaining Slovene citizenship.

⁴ In this connection, see the report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Slovenia, 11-14 May 2003, CommDH(2003)11 and the Report of the Committee of Experts of the Charter for Regional or Minority Languages on the Application of the Charter in Slovenia, ECRML (2004) 3.

Recommendations

40. The authorities are urged to open a dialogue regarding their approach, as stated in the declaration deposited when they ratified the Framework Convention, and to discuss, in this connection, the possibility of including other persons, including non-citizens where appropriate, in the scope of the relevant articles of the Framework Convention (see also comments below in relation to Articles 4, 5, 6 and 9).

41. At the same time, the authorities are urged to review their position as to the advisability of retaining the “autochthonous” criterion in connection with the application of the Framework Convention, in particular to the Roma, in order to avoid unjustified exclusions and differential treatment.

Collection of data

Present situation

a) Positive developments

42. The Advisory Committee notes that a general population census was held in Slovenia in 2002 and that its results indicate interesting tendencies as concerns the ethnic composition of the population. In particular, an increase can be noted in the numbers of persons belonging to certain groups, such as the Roma, the Germans and the Austrians. According to the authorities, this reflects the general climate of tolerance and intercultural understanding, favorable to the expression of ethnic affiliation.

b) Outstanding issues

43. At the same time, the Advisory Committee notes that the results of the last population census show a considerable reduction in the numbers of Hungarians and Italians. It notes, in particular, that the number of persons who identify themselves as Hungarians has diminished from 8,000 in 1991 to 6,243 in 2002 and that the number of persons who identify themselves as Italians has diminished from 2,959 in 1991 to 2,258 in 2002.

44. The Advisory Committee notes in this context that the authorities do not possess sufficient information on the situation of persons belonging to the various groups, in particular the Roma and the non-Slovenes from former Yugoslavia (SFRY), in various relevant sectors, such as employment, health etc. In addition to the numerical importance of different groups, reliable statistical data, differentiated by age, gender and geographical distribution, are essential when it comes to evaluating the situation of the persons concerned and adopting, where needed, special measures aimed at ensuring their full and effective equality.

Recommendations

45. The Advisory Committee encourages the authorities to open a dialogue on the results of the last population census with the representatives of the communities concerned, in order to

better take into consideration these results and the tendencies shown by the census when devising their policies of protection of national minorities. They are in addition encouraged to conduct and support further research and studies on the possible reasons of these tendencies.

46. The authorities should also pay increased attention to the collection of information regarding the socio-economic situation of the persons belonging to various communities, in particular the Roma and the non-Slovenes from former Yugoslavia (SFRY). In co-operation with those concerned, they are encouraged to make use of estimations based on *ad hoc* studies, special studies or any other scientifically valid methods.

ARTICLE 4 OF THE FRAMEWORK CONVENTION

Legal and institutional protection from discrimination

Findings of the first cycle

47. In its first Opinion on Slovenia, the Advisory Committee encouraged the authorities to develop and strengthen arrangements for legal and institutional protection from discrimination, and to step up information and awareness-raising measures for the public in this area.

a) Positive developments

48. The Advisory Committee notes that, in May 2004, Slovenia passed an Act on Equal Treatment⁵, aiming to transpose the European Union Directive n° 2000/43/EC on Equal Treatment Irrespective of Racial or Ethnic Origin into national law. At the institutional level, it notes the recent setting up, within the Government, of a Council for the Implementation of the Principle of Equal Treatment - where only the Hungarians, the Italians and the Roma are represented - and the establishment of the institution of Advocate for the Principle of Equality, responsible for dealing with complaints of discrimination. The Advisory Committee expresses the hope that every effort will be made to ensure that this institution enjoys the necessary independence.

49. The Advisory Committee also welcomes the work and particular commitment of the Ombudsman in promoting the principles of equality and non-discrimination. The efforts of the Slovene Constitutional Court, through its case-law, to ensure the effective implementation of the aforementioned principles in Slovenia (see paragraphs 55 and 93 below) are also to be welcomed.

b) Outstanding issues

50. Aside from the information provided on the situation of Roma in various sectors and the measures taken to address the problems faced by these persons, the State Report does not supply information about the frequency of cases of discrimination against persons belonging to minorities, the associated investigations and the action taken. The Advisory Committee considers that the limited number of complaints of discrimination submitted to the relevant

⁵ Act on the Principle of Equal Treatment, Official Gazette 2004, n° 50.

public institutions might also indicate that the victims of such acts are inadequately informed, and that the persons concerned lack confidence in the ability of those institutions to afford them protection and help them secure compensation.

Recommendations

51. Additional monitoring measures are needed with a view to obtain more accurate information on the effective implementation of the principle of non-discrimination in respect of the persons belonging to national minorities and on any violations of this principle. Increased efforts should also be made to better inform the general public and public institutions about the principles of equality and non-discrimination and the remedies available to the victims of discrimination.

52. The authorities are encouraged to take all necessary measures to ensure the effective implementation of the Act on Equal Treatment and the smooth operation of the institutions established under that Act. In this context, it is essential to ensure that the views of the persons belonging to the various ethnic groups living in Slovenia are taken into account.

53. At the same time, the authorities should provide the Ombudsman with their full support, and ensure that his recommendations generate the expected response from the relevant public institutions.

Legal status of persons deleted from the list of permanent residents

Findings of the first cycle

54. In its first Opinion on Slovenia, the Advisory Committee noted with concern the problematic situation of a number of former citizens of other republics of former Yugoslavia (SFRY), who found themselves foreigners in the territory they were living in and without confirmed legal status, following their removal from the register of permanent residents, in 1992.

Present situation

a) Positive developments

55. The Advisory Committee notes that a number of positive developments have taken place in this area. For instance, the Constitutional Court has taken a stand on these issues by clearly stating the need to restore⁶, without further delay and retrospectively, the rights of non-Slovene former Yugoslav citizens who were, according to the Court, illegally removed from the register of permanent residents. The Advisory Committee also notes that efforts have been made at the legislative level to regularise⁷ the legal status of these persons, and that most of

⁶ See Constitutional Court Decisions n° U-I-284/94 and n° U-I-246/02.

⁷ Act on Regularisation of the Status of Citizens of Other Successor States to the Former Socialist Federative Republic of Yugoslavia in Slovenia, Official Gazette n° 61/1999, n°54/2000 and n° 64/2001; Act on the Application of Paragraph n° 8 of Constitutional Court Decision n° U-I-246/02.

them have been granted permanent resident status in recent years on the basis of individual decisions issued by the Ministry of the Interior.

b) Outstanding issues

56. The Advisory Committee notes with concern that, despite the relevant Constitutional Court decisions, several thousand persons whose names were deleted from the registers of permanent residents on 26 February 1992, and automatically transferred to the registers of foreigners, are still, more than ten years on, awaiting clarification of their legal status. This concerns citizens of other former Yugoslav republics, including a number of Roma, who were legally resident in Slovenia and, for various reasons, did not wish – or were unable – to obtain Slovene citizenship within the short time-limit allowed by the authorities after the country's independence.

57. In many cases, the lack of citizenship or of a residence permit has had a particularly negative impact on these persons' situation. It has, in particular, paved the way for violations of their economic and social rights, with some of them having lost their homes, employment or retirement pension entitlements, and has seriously hindered the exercise of their rights to family life and freedom of movement⁸.

58. The Advisory Committee notes that more recent government initiatives have sought, in accordance with the relevant decisions of the Constitutional Court, to restore these persons' rights retrospectively. It finds it disturbing that these initiatives have been stalled for over a year, and that the social climate in Slovenia has not been conducive to a speedier resolution of these matters. In the referendum held in April 2004 on the Act on the Implementation of Item n° 8 of Constitutional Court Decision n° U-I-246/02 (the so-called "Technical Act on Erased Persons"), 94.7% of participants (representing 31.45% of voters) expressed their opposition to this Act (see also comments under Article 6 below).

59. The Advisory Committee notes that the authorities are in the process of drafting, at the governmental level, a new normative text expected to provide solutions to the problems mentioned above. Insofar as this new initiative is not yet in the public domain, it is difficult to ascertain, at this stage, whether the measures envisaged – legislative or other – will be likely to resolve the situation in a comprehensive manner once and for all.

Recommendations

60. Without further delay, the authorities should find solutions to the problems faced by non-Slovenes from former Yugoslavia (SFRY) who have been deleted from the register of permanent residents, in connection with the regularisation of their legal status, including access to citizenship and social and economic rights.

⁸ See for further details the report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Slovenia, 11-14 May 2003, CommDH(2003)11.

61. At the same time, they should assist these persons in their efforts to overcome the difficulties arising from this situation, and facilitate their effective participation and integration in the Slovene society by means of targeted measures.

Implementation of the principles of equal treatment and non-discrimination in respect of the Roma

Findings of the first cycle

62. In its first Opinion on Slovenia, the Advisory Committee found that there were considerable socio-economic differences between most of the Roma and the rest of the population, and urged the authorities to adopt more decisive measures to remedy the situation. In view of the persistence of discriminatory practices towards the Roma in most fields, the authorities were urged to combat this problem by every possible means.

Present situation

a) Positive developments

63. The Advisory Committee welcomes the efforts made by the authorities in many areas with a view to improving the living conditions of the Roma⁹. Specific education and employment projects developed and financed by the relevant ministries, in some cases with international support, have supplemented the national programmes adopted in 1995¹⁰ and 2000¹¹ with a view to gradually eliminating the disparity between the socio-economic situation of Roma and that of the rest of the population. The Advisory Committee also notes the development – currently in progress – of new health and social security measures that are more geared to the specific situation of the Roma, and, more generally, the existence of a genuine political commitment to helping the Roma emerge from the precarious situation in which they continue to find themselves. More attention is now being paid to involving the Roma in the development and implementation of such measures.

64. At the local level, some municipalities have made provision in their local development plans and strategies for various forms of support for this population. In this connection, the Advisory Committee notes the financial assistance granted in recent years to the municipalities concerned with a view to improving the housing conditions of the Roma. Furthermore, according to the State Report, the legislation on spatial planning now establishes a legal basis for finding ways of legalising illegal Roma settlements.

65. The Advisory Committee is pleased to find that the authorities' efforts, with active involvement of the Roma, are gradually yielding results in this area. The impact of their action is particularly clear in some cases, as the Committee observed in the region of Prekmurje, where Roma are in a more favourable socio-economic situation and well integrated.

⁹ During the 2002 census, 3,246 persons identified themselves as Roma. However, various sources estimate that the actual number of Roma living in Slovenia could reach 10,000.

¹⁰ Programme of Measures for Assisting the Roma in the Republic of Slovenia (1995).

¹¹ Programme on Equal Employment Opportunities for Roma (2000).

b) Outstanding issues

66. The Advisory Committee notes that, although improvements in the situation of the Roma have been reported in some regions, this does not apply to the whole Roma population or to all of the localities where Roma communities have settled. In some cases, as in the Dolenjska region, Roma continue to face problems in a range of fields, particularly when it comes to housing conditions, employment, health and education. These differences between Roma residing in different localities appear to result from numerous factors, including the political commitment of local authorities, regional economic development and the involvement and efficacy of Roma councillors and organisations.

67. The Roma continue to face a particularly difficult situation in respect of housing. Many Roma live on sites isolated from the rest of the population, and their living conditions are generally below minimum standards, owing to a lack of adequate infrastructure - electricity, running water, access to transport, etc. The Advisory Committee notes that these problems are often accentuated by the reluctance of certain local authorities, in the face of the prejudices of the non-Roma population, to make more efforts to assist the Roma and to use local resources for this purpose. On the other hand, it notes cases where struggling Roma families have been evicted and subsequently rehoused in settlements that are separated from the rest of the population and lack adequate facilities (see also comments under Article 6 below).

68. In addition, the problem of settlements having become illegal after 1991 is still ongoing. The new legal framework applicable to this situation and the assistance measures announced by the Government are very recent, and are only just beginning to be implemented.

69. In the education sector, it is reported that some Roma children continue to attend separate classes, and that the practice of unjustified placement of Roma children in “special” schools (for children with special needs) has not been completely eliminated (see also comments under Article 12 below).

70. In the employment sector, various estimates, including those of the Government, indicate a particularly high rate of unemployment among the Roma (exceeding 80%, according to some sources). The reasons given for this situation include inadequate levels of education and qualifications and the persistent prejudice against such persons in the labour market. According to government sources, temporary work is prevalent and regular employment is rare among the Roma. The same sources indicate that most Roma live off income derived from social welfare, child benefits and other forms of state support, which often leads to tensions between them and the non-Roma population at the local level.

71. In addition to the problems highlighted in the preceding paragraphs, the Advisory Committee finds the distinction between “autochthonous” Roma and “non-autochthonous” Roma – which some authorities continue to make – problematic, and considers that, where applied, this approach leads to discriminatory practices. It notes that, although “non-autochthonous” Roma often face the same problems, they are not systematically covered by the measures provided for in government programmes to improve the socio-economic situation of

the Roma community or to combat poverty and social exclusion (see also comments under paragraphs 30, 31, 41 above).

72. The most vulnerable Roma in Slovenia are undoubtedly those whose legal status has still not been regularised. The Advisory Committee notes with concern that, as yet, the authorities have not been able to come up with a proper solution to the problems faced, in attempting to obtain Slovene citizenship or a residence permit, by some of those Roma who were legally resident in Slovenia in 1991. The Advisory Committee also notes the problems faced for a number of years by Roma from Kosovo, who have stayed in Slovenia but have lost their temporary refugee status. Without identity papers, these people face numerous problems in various areas, particularly when it comes to access to health care, housing and social welfare, as well as education.

Recommendations

73. The authorities should continue, and step up, the initiatives and programmes designed to improve the situation of the Roma, particularly in the areas of housing, employment and education, and allocate adequate resources to them. In this connection, it is particularly important to ensure that the measures in question are geared to the needs of the Roma, by actively involving the latter in the various stages of development, implementation and evaluation of such measures.

74. In planning and developing assistance measures, the authorities are strongly encouraged to adopt an inclusive approach and to avoid making distinctions among the Roma that are likely to result in the exclusion, in a discriminatory manner, of certain persons from the scope of such measures. Urgent consideration should be given to the specific situation of Roma awaiting regularisation of their legal status.

ARTICLE 5 OF THE FRAMEWORK CONVENTION

Preservation of the culture and identity of Hungarians and Italians

Findings of the first cycle

75. In its first Opinion on Slovenia, the Advisory Committee welcomed the particularly favourable conditions put in place to allow the Hungarians and Italians to develop their culture and the essential elements of their identity, including outside the “ethnically mixed areas”, and encouraged them to take further measures in order to implement more effectively the existing legal framework.

Present situation

a) Positive developments

76. The Advisory Committee is pleased to find that, due to the well-developed legal framework and the various institutional, administrative and financial arrangements put in place

for their benefit, the Hungarians and Italians continue to enjoy considerable protection in those areas contributing to the preservation and development of their culture and identity.

b) Outstanding issues

77. Despite the generally favourable conditions mentioned above, representatives of the Hungarian and Italian minorities have found, for some years, the level of public resources allocated to the activities of national minorities inadequate. They have also conveyed to the Advisory Committee their concern that the State's willingness to support the two national communities in their efforts to preserve their identity appears to be diminishing, in particular when new legislative provisions touching on related issues are debated or passed.

78. For example, the Hungarians fear a decrease in their involvement in the administration of cultural institutions. They also point out that they still do not have a museum devoted to the Hungarian community or a library of the community in its area of compact residency.

79. The Advisory Committee notes in this context that, for Hungarians and Italians, the exercise of their linguistic rights is of particular value for the maintenance and development of their identity. This is particularly the case in view of the falling trend in their numbers revealed by the last population census, together with recent socio-economic developments and the population movements that may yet ensue from them. According to Hungarians and Italians, worrying shortcomings subsist in practice, although the Hungarian and Italian languages are recognized as official languages in the "ethnically mixed areas" under Article 11 of the Constitution (see also comments under Article 10 below).

Recommendations

80. In their decisions on legislative and other changes needed in response to social, political, economic and cultural developments in the country, the authorities are encouraged to be more receptive towards the Hungarians' and Italians' legitimate aspirations to preserve and affirm their identity. In order to respond properly to these aspirations, more resolute efforts are needed to ensure that the State policy in this area is effectively implemented. In this context, increased attention should be paid to matching the financial resources allocated to the cultural activities of both communities to the actual needs identified.

State support for the preservation and affirmation of Roma identity

Findings of the first cycle

81. In its first Opinion on Slovenia, the authorities were encouraged to take further legal and practical measures to ensure that the Roma have access to similar assistance, particularly at the local level, as that granted to the Hungarian and Italian minorities for cultural development and preservation of their identity.

82. The Advisory Committee also found that the status and specific rights of the Roma community were still not completely regulated by Slovene legislation, and urged the authorities to remedy the situation.

Present situation

a) Positive developments

83. The Advisory Committee notes that, for a number of years, the authorities have been paying more attention to the affirmation and promotion of Roma culture and values, and that specific initiatives have been launched for this purpose in the research, education and media fields (see comments in relation to Articles 9, 12 and 14). The co-operation developed with the Union of Roma of Slovenia, and the assistance granted for the activities it runs under the auspices of the Roma cultural centre in Murska Sobota, are to be welcomed. The Advisory Committee expresses the hope that this experience can be repeated in other areas of Roma settlement in Slovenia.

84. The Advisory Committee notes that, in order to run activities enabling them to preserve and develop their culture and identity, Roma in Slovenia are eligible for funding from local authorities, as well as from the Government Bureau of Nationalities and the relevant ministries. It welcomes the fact that the Ministry of Culture does not make a distinction between “autochthonous” and “non-autochthonous” Roma in the allocation of government funding to minority cultural projects, and considers that all government authorities should adopt this approach.

b) Outstanding issues

85. Despite a number of positive developments, the preservation and affirmation of Roma culture and identity continue to be hampered by numerous difficulties in Slovenia. The competent authorities at the local level do not always apply in an appropriate manner the measures decided at the central level with a view to assisting the Roma. In particular, there is still reported resistance to investing a proportion of local resources in order to improve the socio-economic situation of the Roma and to support their activities (see also comments under Articles 4, 9, 12, 14 and 15).

86. In the case of public funds earmarked to support their cultural activities, Roma representatives find the current procedures, based on project proposals, inappropriate and inefficient. In their view, the available resources should be guaranteed by law and provided by the State as part of the specific funding allocated to the municipalities concerned, as is the case for the Hungarian and Italian minorities.

87. On the legal front, although there are scattered legislative provisions covering all the relevant sectors¹², a more coherent, overall approach to the status and specific rights of the Roma, set out in an Act dealing specifically with this community, as provided for under Article 65 of the Constitution, is still awaited. Nevertheless, some government authorities consider that

¹² At present 9 Acts relating to specific sectors contain special provisions concerning the protection of the Roma.

these provisions, applied appropriately, constitute a sufficient legal basis for improving the socio-economic situation and integration of the Roma within Slovene society.

88. The Advisory Committee notes that, although an official consensus has not yet been reached on the matter, a growing number of the relevant government bodies seem to favour the drafting of such a bill. It also notes that the Roma expect a great deal from the passing of such an Act. In view of these trends, and bearing in mind the problems the Roma continue to face in various sectors, the Advisory Committee considers that it would be desirable to take stock of the situation and decide without further delay the approach to be adopted in this area.

Recommendations

89. The authorities are invited to continue, and step up, their measures to support activities aimed at developing Roma culture and identity, ensuring better co-ordination between central and local arrangements. In order to make such measures more effective and to ensure that the funds allocated better match the needs, the authorities are encouraged to identify, in consultation with those concerned, the most appropriate procedures for access to those funds.

90. The authorities are strongly encouraged to hold a debate on the desirability and possible content of a general Act on the status and specific measures for the protection of the Roma. Particular attention should be given to involving the various Roma organisations in this process.

ARTICLE 6 OF THE FRAMEWORK CONVENTION

Tolerance and intercultural dialogue. Combating ethnically and racially motivated hostility and violence

Findings of the first cycle

91. In its first Opinion on Slovenia, the Advisory Committee noted that attitudes of rejection and hostility towards certain persons, such as the Roma and the German-speaking population, persisted in Slovenia. It noted that immigrants and refugees were also affected by this problem, to which some media contributed through the content they carried. The authorities were urged to assess the situation and to seek ways of remedying it, *inter alia*, through more sustained awareness-raising activities.

Present situation

a) Positive developments

92. The Advisory Committee notes that inter-ethnic relations are generally characterised by a spirit of respect and mutual understanding, particularly as far as the two officially recognised national minorities, the Hungarians and Italians, are concerned. For example, participation by the majority population in bilingual education in the “ethnically mixed areas” reflects this favourable social climate.

93. The activities organised by the authorities, the Ombudsman and non-governmental organisations to raise public awareness of diversity and intercultural dialogue are to be welcomed. In this connection, the Advisory Committee notes the many pronouncements made by the Ombudsman and his appeals to public institutions and members of Slovene political circles to make a more decisive contribution to fostering tolerance and mutual respect.

94. The Advisory Committee also notes that training and awareness-raising activities on human rights and tolerance are run as part of the police training programme, as well as for serving police officers.

95. The Advisory Committee is pleased to note the concern among some media to reflect the diversity of Slovene society in their programmes and to raise public awareness in this respect. It finds it particularly positive that media outlets headed by teams of young people, some of which have emerged from projects started in universities, demonstrate such openness. For example, these media outlets have given the various ethnic groups resident in Slovenia space to draw attention to their culture and traditions, as well as their problems and expectations. In this connection, the Advisory Committee welcomes the efforts made by radio stations such as Maribor Radio Student and Radio Student Ljubljana, which broadcast programmes specially produced for the various ethnic communities resident in Slovenia, including Roma, Bosniacs and Serbs. These stations also broadcast programmes in the languages of those communities, thanks to their links with partner stations in neighbouring countries.

b) Outstanding issues

96. Negative stereotypes persist in Slovenia in relation to persons belonging to certain groups, such as the Roma, the German-speaking population and non-Slovenes from former Yugoslavia (SFRY). In the case of the latter, the Advisory Committee notes with concern that, even though most of them have long settled in Slovenia, attitudes of intolerance and, in some cases, discrimination towards them are reported. Furthermore, the Advisory Committee regrets the fact that the social climate has not been conducive to a more rapid resolution of the particularly difficult situation which these persons continue to face both in terms of their legal status and their access to social and economic rights (see also under Articles 3 and 4 above).

97. As far as the Roma are concerned, attitudes and displays of rejection and intolerance towards them by the majority population, notably at the local level, continue to be reported. These manifestations are particularly disturbing where they concern children and take place in an educational setting. As well as isolating Roma children at school and having an adverse impact on their schooling, such displays have a negative effect on dialogue between children belonging to different ethnic groups and the development of their attitudes to multiculturalism, mutual respect and tolerance (see also comments under Articles 4 and 12).

98. The Advisory Committee is also aware that a solution has still not been found for the opening of a mosque and cultural and religious centre in Ljubljana, a matter that risks undermining intercultural dialogue with persons of Muslim faith.

99. The Advisory Committee notes that, in recent years, the Ombudsman has reported a trend towards a deterioration in the climate of tolerance and understanding that generally characterises Slovene society. In his view, the authorities bear their share of responsibility, as they have not acted decisively enough to preserve and reinforce this climate. The Advisory Committee notes with concern that, in some cases, such manifestations of intolerance towards persons belonging to more vulnerable groups come from members of high-level public authorities likely to have a considerable influence on social perceptions of cultural diversity and inter-ethnic dialogue.

100. In the case of the media, the Advisory Committee notes that some of them continue to carry damaging messages about certain groups. Rather than describing the presence of minorities or foreigners in Slovenia as a source of diversity that enriches society, these media refer to such groups as a potential danger or threat to the national identity and welfare of Slovenes.

101. The Advisory Committee notes that, although such cases remain very isolated, there are still allegations of misconduct by the police towards persons belong to certain groups, in particular the Roma. The authorities did not provide information about the possible existence of ethnically or racially motivated crimes and offences, the number of complaints of such crimes, measures taken to prevent them, the investigations opened and the sanctions applied. Nor does the State Report contain information about relations between the police and persons belonging to minorities, or about any reported shortcomings in police work in this respect. The Advisory Committee fully endorses the appeals made to the authorities that they monitor the situation in this area more effectively and transparently. At the same time, it considers it essential for the authorities to ensure that the independence of the mechanisms and bodies responsible for monitoring police work, and the investigation of complaints of human rights violations by police officers, is guaranteed.

Recommendations

102. The authorities should make further efforts to combat the subsisting manifestations of intolerance, racism and xenophobia that subsist within society. In particular, they should step up activities aimed at raising awareness of human rights and tolerance, including within the public administration and in political circles.

103. The media should be encouraged, without prejudice to their editorial independence, to pay more attention to the country's cultural and ethnic richness and diversity, and to contribute through their programmes to a more cohesive Slovene society. Increased support should be provided to media monitoring bodies in their activities as well as to the training of journalists and awareness-raising initiatives.

104. The relevant authorities are encouraged to pay increased attention to the concerns of the Muslim community and, in consultation with those concerned, to attempt to find a solution enabling the latter to exercise their right to practise their religion and to express their religious and cultural identity in appropriate conditions.

Support for the preservation and development of the identity and culture of persons belonging to other groups

Findings of the first cycle

105. In its first Opinion on Slovenia, the Advisory Committee encouraged the authorities to provide increased support to the persons belonging to other groups, in particular the non-Slovenes from former Yugoslavia (SFRY) and the German-speaking persons, in their efforts to maintain and develop their identity through culture, media and education.

Present situation

a) Positive developments

106. The authorities state that, on the legal front, persons from other parts of former Yugoslavia (SFRY) are guaranteed the right to preservation and affirmation of their cultural and ethnic identity under Article 61 of the Constitution as well as under various provisions contained in legislation relating to specific sectors. They mention in this regard Articles 8 and 10 of the Primary Education Act, concerning the opportunities available to such persons to learn their mother tongue and to improve their mastery of Slovene. The authorities also state that the bilateral co-operation agreement signed by Slovenia and Austria in 2001 in the fields of culture, education and science gives Slovenia's German-speaking persons an additional legal framework for preserving and strengthening their linguistic and cultural identity.

107. It should be noted that, through their associations, these persons have access to grants from the Ministry of Culture for cultural projects. In this connection, government sources emphasise that there will be an increase in the funds allocated to such projects and that the Ministry of Culture makes a constant effort to ensure that the various communities are subject to the same conditions governing access to, and participation in, cultural life.

108. Additional efforts have also been devoted, in recent years, to teaching of the mother tongues of non-Slovenes from former Yugoslavia (SFRY). Teaching of the Macedonian language was introduced in 2003-2004, while the Serbian and Croatian languages had already been taught for several years. In addition, efforts are currently made to develop pedagogical material needed for the teaching of Macedonian, Albanian and Bosniac languages. Developments are also reported as regards the possibility of receiving instruction in these languages, in selected subjects. The Advisory Committee notes that this possibility has already been offered in some primary schools in respect of the Croatian language, and that efforts are under way to extend it to Serbian. It is true, however, that the number of pupils receiving such instruction remains low.

109. In the field of media, the Advisory Committee is pleased to note the existence in Slovenia of publications produced, in their own languages, by non-Slovenes from former Yugoslavia (SFRY), such as Albanians and Bosniacs. However, it notes the particularly limited presence of such persons on public radio and television. The Advisory Committee expresses

the hope that the authorities will be more supportive of such persons in this field, and that the public media will pay more attention to their needs, in terms of access to programmes and media coverage.

b) Outstanding issues

110. Representatives of these groups generally report a deterioration in their situation following Slovenia's independence, in terms of access to public media and opportunities to learn their mother tongue or to be educated in them. They note that, although they have access to grants from the Ministry of Culture for their activities, the sums allocated are of purely symbolic value. In addition, they find the efforts made to date by the Slovene authorities to support their languages in education inadequate in relation to their needs.

111. The Advisory Committee notes that, according to the information supplied by representatives of the German-speaking population, although German is taught as a foreign language on a fairly large scale in the country, it is not taught in those areas in which this population has settled.

Recommendations

112. The authorities are encouraged to examine the current situation, in co-operation with the representatives of non-Slovenes from former Yugoslavia (SFRY) and of the German-speaking population, in order to assess more accurately their needs relating to the preservation and development of their cultural identity. Additional efforts should be made to support their cultural activities, their access to and presence in the media and to support their languages in education.

ARTICLE 9 OF THE FRAMEWORK CONVENTION

Access to media by Hungarians and Italians

Findings of the first cycle

113. In its first Opinion on Slovenia, the Advisory Committee welcomed the situation of the Hungarian and Italian minorities in relation to public radio and television. At the same time, the authorities were encouraged to assist both communities in eliminating ongoing shortcomings – in respect of programme reception for the Italian community, and the duration of minority-language programming for the Hungarian community.

Present situation

a) Positive developments

114. The Advisory Committee notes that the public radio and television service continues to broadcast radio and television programmes for the Hungarian and Italian minorities, in Hungarian and Italian respectively. These programmes, partly financed by the State, are

produced and broadcast by regional public radio and television centres, and reach, in accordance with the law, at least 90% of the “ethnically mixed areas”. Both communities also receive financial assistance from the State for the publication of a number of print media, including daily newspapers and periodicals, in Hungarian and Italian. The Advisory Committee notes with interest that some of the Italian-language publications receiving a financial contribution from the Slovene State are published in Croatia, targeting Italian-speakers in both countries.

115. The Advisory Committee is pleased to note the increased duration of television programming broadcast in Hungarian, and welcomes the setting up, in Lendava, of a public radio and television studio for the Hungarian minority. It expresses the hope that, by making full use of the transmission capacities of this new facility, the Hungarian community’s needs in the audio-visual sector can be met more fully, in accordance with the requirements laid down by Slovene law in this area.

b) Outstanding issues

116. The Advisory Committee has taken note of the Hungarian and Italian minorities’ concerns with respect to a number of worrying tendencies – regarding their access to, and presence in, the media. It appears, in particular, that the comments and criticisms made by their representatives in relation to a new bill on public audio-visual services, under discussion in early 2005, did not meet the attention needed from the authorities (see also comments under Article 15 below).

117. In essence, the Hungarians and Italians fear a reduction in the opportunities currently available to them in the audio-visual sector, particularly as regards the financial independence they wish to enjoy in this area.

118. In this connection, the Advisory Committee also notes the fears articulated by the Italians in recent years, regarding the prospect of a reduction in the amount of Italian-language programming produced and broadcast by regional channels; such a possibility appears to be under consideration by the authorities in the wake of the financial crisis faced by RTV Slovenia. As to the Hungarians, they consider that, despite the launching of the radio and television studio in Lendava, their situation as regards broadcasting time and resources, equipment and staff, does not correspond to their needs.

Recommendation

119. The Advisory Committee expresses the hope that the concerns and expectations of the Hungarian and Italian minorities regarding their access to, and presence in, the media will be heard during the forthcoming legislative procedure, and that the text of the new bill on public audio-visual services will make it possible to respond to their needs appropriately.

Access to, and presence in the media of the Roma

Findings of the first cycle

120. In its first Opinion on Slovenia, the Advisory Committee considered that the State should step up the assistance granted to the Roma in this area, particularly as regards the setting up of their own media outlets.

Present situation

a) Positive developments

121. The Advisory Committee finds that there have been a number of positive developments in respect of access to the media by the Roma. Although a great deal still remains to be done in this regard, it notes the efforts made, in the public media, to raise awareness of Roma culture and traditions. The Advisory Committee also recalls that two private radio stations, in Murska Sobota and Novo Mesto, regularly broadcast programmes on Roma, partly in the Roma language, and is pleased to note that they continue to receive financial assistance from the State. At the same time, it notes that, whereas a cable TV studio in Murska Sobota has been broadcasting programmes aimed at Roma since 2002, in 2004 a Roma-language programme was also being made for the Dolenjska region. In the print media, the Union of Roma of Slovenia continues to publish a Roma newspaper four times a year.

b) Outstanding issues

122. Despite a number of positive developments, the Advisory Committee finds that the efforts of the public media in respect of the Roma remain limited, given the latter's needs in terms of preserving and affirming the specific values of Roma culture and identity and raising awareness of those values among the majority population.

123. While welcoming private initiatives giving Roma space to express themselves in the media, the Advisory Committee considers that programmes on Roma by the public media might have an additional impact on the rest of the population, and help to improve the image of Roma within Slovene society (see also comments under Article 6 above). More generally, the Advisory Committee considers it essential, in order to ensure that the media adequately reflects the lives and concerns of the Roma, that the latter participate directly in producing and broadcasting the programmes for them and about them.

Recommendation

124. The authorities are encouraged to continue, and step up, their efforts to promote the presence of Roma in the media, *inter alia* by assisting them to set up private media outlets. At the same time, more effective ways should be found to raise media awareness of Roma concerns and of the need to help improve the image of the Roma among the rest of the population.

Language legislation and the media

Outstanding issues

125. As regards the language used in the media, the Advisory Committee notes, as indicated above, that Article 61 of the Slovene Constitution guarantees all individuals the right to express freely their affiliation with a nation or ethnic community, to develop and express their culture and to use their language and alphabet. At the same time, it notes that the recent Act on Public Use of the Slovene Language¹³ states that Slovene is the language to be used in the media, press conferences and written statements submitted to the media, and in web pages financed from public funds.

126. It is noted that Article 3 of the aforementioned Act (like specific provisions of Slovene legislation relating to the media) guarantees the use of the languages of the Hungarian and Italian national communities in the media, and also allows, under certain conditions, the use of foreign languages by foreigners. However, the Advisory Committee notes with concern that the law in question does not contain such guarantees for other Slovene citizens, other than Hungarians and Italians, who do not have Slovene as their mother tongue. The Advisory Committee therefore finds the provisions of the aforementioned Act problematic as regards the freedom of these persons to receive and circulate information and ideas in the minority language.

Recommendation

127. Regarding the 2004 Act on Public Use of the Slovene Language, the authorities should ensure that there are no legal obstacles hindering the use of mother tongue in the media by the Roma and others who might be affected. Amendments to the law should be introduced to ensure its full compliance with the relevant provisions of the Framework Convention.

ARTICLE 10 OF THE FRAMEWORK CONVENTION

Use of minority languages in dealings with the administrative authorities

Findings of the first cycle

128. In its first Opinion on Slovenia, the Advisory Committee noted the existence in Slovenia of a legislative framework conducive to the use of the Hungarian and Italian languages in dealings with the administrative authorities, in the “ethnically mixed areas”. Given that a number of problems were reported in practice, resulting primarily from inadequate linguistic knowledge on the part of the public officials concerned, the authorities were encouraged to examine the situation and to remedy it, in consultation with those concerned. The authorities were also encouraged to examine the needs of the Roma in this area, in co-operation with the latter’s representatives, and to consider how they could meet those needs.

¹³ Act on Public Use of the Slovene Language, of 15 July 2004, Official Gazette of the Republic of Slovenia, n° 86/204

Present situation

a) Positive developments

129. The Advisory Committee notes that, under Articles 11 and 64 of the Constitution, the Hungarian and Italian languages have the status of official languages, alongside Slovene, in those municipalities where the Hungarian and Italian minorities respectively reside. Slovene legislation allows the use of these languages, without any numerical condition, but only in the “ethnically mixed areas”, in both oral and written dealings with the administrative authorities, in administrative, civil and criminal procedures as well as in the conduct of their business and the documentation issued by the various institutions concerned.

b) Outstanding issues

130. According to the representatives of the two communities, shortcomings remain with regard to the use of Hungarian and Italian languages in the public sphere, notwithstanding the fact that these languages are recognised as official languages in the “ethnically mixed areas”. The Hungarians, in particular, highlight the limited use of their language, in the geographical areas concerned, within public institutions, such as health care services, the post office or the police, due mainly to the low level of command of Hungarian by the public officials concerned. Their concern over this situation is reinforced by the fact that it seems to lead to a decrease in the interest among the young generation in studying this language (see also comments under article 5 above).

131. The Advisory Committee notes that difficulties have been reported by persons belonging to the Italian community who have requested the use of the Italian language, by local government representatives, in the context of marriage ceremonies. Although such requests are isolated, the Advisory Committee considers that, insofar as the law allows both the use of the minority language and bilingual ceremonies, the authorities should ensure that all those who request it are able to make use of such a possibility, where legal conditions are fulfilled.

132. With regard to the Italian minority, the Advisory Committee wishes to draw attention to the particular situation of persons who, while residing within the boundaries of the municipalities concerned, find themselves outside the “ethnically mixed areas” established by the municipal statutes, to which the exercise of the linguistic rights provided for by Slovene legislation for Italians is restricted.

133. Given that this situation is the result of social, demographic and historical developments having led to a demographic situation other than the one that existed at the time these areas were defined, the Advisory Committee considers that such persons should not be excluded from enjoying rights to which other members of their community residing in the same municipality have access. The Advisory Committee considers that the authorities could

remedy this situation by encouraging a more inclusive application of the legislation in question¹⁴.

134. The Advisory Committee notes that, in Slovenia, only the Hungarian and Italian minorities use their mother tongues in dealings with the administrative authorities, in accordance with the special protection granted to them in the Constitution. As for the Roma, it appears that, although this right is guaranteed by the Constitution¹⁵, they do not enjoy the same opportunity in practice, even in those municipalities in which they are likely to satisfy the requirements set out in Article 10, paragraph 2 of the Framework Convention. According to the authorities, Roma cannot use their language in dealings with the administrative authorities because that language has not yet been codified¹⁶. However, the Advisory Committee finds it unfortunate that no assessment has been conducted to ascertain the needs of the Roma in this area and the current level of demand.

Recommendations

135. The authorities should examine the shortcomings reported as to the implementation of the legislation pertaining to the use of the Hungarian and Italian languages in the public sphere, in co-operation with those concerned, and identify ways and means to improve the situation in this regard.

136. The authorities are encouraged to take a more inclusive, proactive approach to the application of the legislation on the linguistic rights of persons belonging to national minorities, so as to make those rights accessible, to the extent possible, to persons residing outside the “ethnically mixed areas”.

137. The authorities should also ascertain the needs of the Roma in this area and, if need be, consider ways of meeting them, in accordance with Article 62 of the Slovene Constitution.

ARTICLE 12 OF THE FRAMEWORK CONVENTION

Intercultural dimension of education

Findings of the first cycle

138. In its first Opinion on Slovenia, the Advisory Committee found a number of shortcomings regarding the availability of suitable school textbooks for the Hungarian minority and qualified teachers for the Italian minority. Problems were also noted in respect of the procedure for recognising qualifications awarded in Italy. The authorities were urged to make

¹⁴ See also the Report of the Committee of Experts of the Charter for Regional or Minority Languages on the Application of the Charter in Slovenia, ECRML (2004)3.

¹⁵ Under Article 62 of the Constitution, everyone has the right to use his language and script, in a manner provided by law, in the exercise of his rights and duties and in procedures before state and other bodies performing a public function.

¹⁶ Comments of the Government of Slovenia on the report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Slovenia, 11-14 May 2003, CommDH(2003)11.

additional efforts in these areas, *inter alia* via bilateral action with the relevant neighbouring States.

Present situation

a) Positive developments

139. The Advisory Committee welcomes the successful implementation of interculturalism in schools operating in the “ethnically mixed areas”. It is pleased to find that the whole education system – organisation, curricula, teaching material – has been adapted, in these areas, so as to ensure equality of opportunity in access to education for persons belonging to both communities, and to bring about the necessary conditions for the preservation and affirmation of their linguistic identity. It also notes the system’s flexibility, such that the minority language can also be learned – at primary and secondary level – outside the “ethnically mixed area”, should a sufficient number of pupils request it. The Advisory Committee notes with satisfaction the low numerical criterion which is applied in this context (5 pupils).

140. The Advisory Committee wishes to emphasise that, as well as serving to enhance dialogue and understanding among children belonging to different communities during their schooling, the educational systems put in place in the “ethnically mixed areas” inhabited by the Hungarian and Italian minorities also contribute to better subsequent vocational and social integration.

b) Outstanding issues

141. The Advisory Committee notes that, notwithstanding the efforts made in this area, shortcomings continue to be reported in respect of the teaching material available. At the same time, the problem of the excessive length of time taken to recognise qualifications obtained in Hungary and Italy also remains¹⁷, despite the co-operation with both countries developed by Slovenia in this area.

Recommendations

142. The Advisory Committee urges the authorities to step up their efforts, including financially, to make the necessary teaching material for the education of persons belonging to the Hungarian and Italian minorities available to the schools concerned.

143. At the same time, the authorities should take appropriate measures in order to eliminate the reported difficulties when it comes to recognizing qualifications obtained in Hungary and Italy, respectively, by persons belonging to Slovenia’s Hungarian and Italian minorities.

¹⁷ See in this respect the Report of the Committee of Experts of the Charter for Regional or Minority Languages on the Application of the Charter in Slovenia, ECRML (2004)3.

Equality of opportunity in access to education. Situation of the Roma.

Findings of the first cycle

144. In its first Opinion on Slovenia, the Advisory Committee was concerned about the educational situation of the Roma. In particular, it expressed its concern over the unjustified placement of Roma children in so called “special” schools, which it considered to be incompatible with the Framework Convention.

145. The authorities were urged to continue the initiatives that had already been launched with a view to stopping the isolation of these children within the education system, and to develop other measures likely to improve their educational situation.

Present situation

a) Positive developments

146. The Advisory Committee notes that new measures have been taken by the authorities with a view to improving the educational situation of Roma children. It notes, for instance, that particular attention has been paid in recent years to researching and developing suitable education and training models for Roma children and their families, as part of a government-funded project. A new Strategy for the Education of Roma was also adopted in June 2004, with the aim of securing equality of opportunity in access to education and integrating them more fully into the education system. The Advisory Committee welcomes the fact that, according to the information provided by the Ministry of Education, the distinction based on the “autochthonous” criterion is not taken into account in the allocation of the relevant funds.

147. The following are the most notable measures included in the above-mentioned strategy: the enrolment of Roma children in pre-school education for at least 2 years prior to primary school, in order to help them learn the Slovene language as well as their mother tongue; the introduction of Roma teaching assistants; the introduction of the Roma language as an optional subject in primary schools; and the inclusion of information about Roma culture, history and identity in the curriculum. Provision is also made for specific measures with a view to raising the level of education and qualifications among Roma adults and better preparing them for the labour market.

148. The Advisory Committee welcomes the efforts made by Slovenia to discontinue the unjustified placement of Roma children in “special” schools or classes and notes a certain reduction in the percentage of Roma children enrolled in such schools. The criteria for sending pupils to “special” classes or schools have, in fact, been modified so as to prevent any abuses in this area. The competent authorities now favour the enrolment of Roma children in regular classes, at all levels of instruction, while making provision for specific arrangements to assist pupils in difficulty. In this context, it should be noted that a number of textbooks geared to the needs of Roma children (for the Slovene language, mathematics and the natural and social sciences) have recently been produced and published, and others are scheduled.

149. The Advisory Committee also notes the efforts made by the authorities to discontinue the isolation of Roma pupils in regular schools. Whereas, until the 2002/2003 school year, the regulatory framework in force laid down special rules for the establishment of Roma classes, since the 2003/2004 school year the new regulations no longer provide for the creation of classes made up exclusively of Roma children. In this connection, the Advisory Committee notes that such classes are now, reportedly, very rare.

b) Outstanding issues

150. The educational situation of the Roma continues to represent a challenge for the authorities. The integration of the Roma into the school system raises issues starting at the pre-school level, where, despite improvements, the number of Roma children is still low. In difficulty right from this early stage, *inter alia* as a result of their poor command of the Slovene language, many Roma children have difficulties to cope with the demands of primary school, which is where their schooling generally ends. Unfortunately, notwithstanding the measures taken by the authorities and certain positive trends, the number of Roma children pursuing secondary studies remains very low.

151. The authorities acknowledge that significant issues still need to be resolved, failing which it will be impossible to bring about a genuine improvement in this area. These issues include, in particular, the prevention of and combating ongoing prejudice towards the Roma among the rest of the population, recruitment of Roma teaching staff and resolving of existing problems connected with the Roma language¹⁸.

152. Despite the measures mentioned in paragraphs 148 and 149, it is too early at this stage for the Advisory Committee to assess the impact of the authorities' efforts to stop the practice of isolating Roma children in the education system. The Advisory Committee is still concerned about this situation, and regrets that the information provided on this subject by the authorities was limited.

153. The Advisory Committee understands that, although the creation of classes made up solely of Roma pupils is no longer allowed under the new regulatory framework, smaller study groups can still be set up on a temporary basis to receive additional instruction outside the normal timetable. According to some sources, the instruction offered in such study groups is nonetheless at a lower level than that offered in ordinary classes, and therefore potentially penalises the pupils concerned.

154. The Advisory Committee is particularly concerned, given that various sources report recent measures in the Novo Mesto region (Brseljin primary school) resulting in Roma children being taught in separate classes or study groups. The Advisory Committee regrets that it was not possible to obtain more specific information from the Government concerning the reasons behind such measures, and the efforts made to avoid resorting to them. Nevertheless, it

¹⁸ In this connection, see the comments of the Government of Slovenia on the report of Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Slovenia, 11-14 May 2003, CommDH(2003)11.

understands from non-governmental sources that reasons relating to differences among the pupils concerned - in terms of academic ability and performance - were invoked by the local authorities in question.

155. At the same time, the Advisory Committee finds it regrettable that a significant proportion of children from those Roma families whose legal status has still not been regularised continue to remain outside the school system. It finds this situation unacceptable, and considers that the authorities should take immediate action to ensure that the children concerned have access to education.

Recommendations

156. Without further delay, the authorities should adopt an approach entailing clearer, more decisive measures to combat the unjustified isolation of Roma children in the education system, and monitor the situation at all levels to ensure that such isolation practices are not repeated.

157. The authorities should continue, and step up, their specific measures to assist Roma children, such as recruiting teaching staff among Roma, developing Roma teaching assistant posts, raising teacher awareness of the specific problems of Roma children and involving parents more effectively. More sustained efforts are necessary with a view to promoting the Roma language, culture and traditions, and giving other children a more positive image of Roma identity.

158. When study groups or other forms of separate instruction are set up, the authorities should ensure that the views of the parents and children concerned are ascertained in advance, and that these measures are not based on an ethnic criterion.

159. The Advisory Committee calls on the authorities to take urgent action to address the situation of children from those Roma families whose legal status has still not been regularised, so as to ensure that these children have access to schooling and to the necessary assistance to continue their education.

ARTICLE 14 OF THE FRAMEWORK CONVENTION

Learning of minority languages and instruction in those languages

Findings of the first cycle

160. In its first Opinion on Slovenia, the Advisory Committee welcomed the excellent opportunities for Hungarians and Italians to learn their languages and to receive instruction in them, including outside the “ethnically mixed areas”. However, it noted that opportunities to learn the Roma language were practically non-existent, and urged the authorities to continue their projects in this area.

Present situation

a) Positive developments

161. The Advisory Committee is pleased to note that the Hungarian and Italian minorities in Slovenia continue to enjoy excellent opportunities to learn their mother tongue and to reinforce their linguistic identity through education¹⁹ (see also comments under Article 12, as well as in paragraphs 130 and 135 under Article 10 above).

162. As far as the Roma are concerned, efforts have been made for some years to introduce the study of the Roma language as an optional subject. To this end, the Ministry of Education is supporting a Ljubljana University project aimed at standardising the Roma language in Slovenia and incorporating Roma culture in education.

b) Outstanding issues

163. Despite the recent measures taken by the authorities to encourage the gradual introduction of Roma language studies, this language is virtually absent from the Slovene education system at this stage, either as an academic subject or as a language of instruction. While acknowledging the difficulties arising from the lack of standardisation and the existence in Slovenia of several variants of the Roma language, the Advisory Committee considers that these issues cannot justify the delay in this area, particularly given that the demand appears to be there. It also notes that increased efforts are needed in order to raise teachers' awareness of the Roma language and traditions, while ensuring the training of teachers for that language, preferably among the Roma themselves.

Recommendation

164. The authorities should take more decisive action to identify the needs in terms of learning of the Roma language and instruction in that language, and speed up the measures designed to respond to those needs, while involving Roma in this process.

ARTICLE 15 OF THE FRAMEWORK CONVENTION**Participation by Hungarians and Italians in decision-making at central level***Findings of the first cycle*

165. In its first Opinion on Slovenia, the Advisory Committee welcomed the mechanisms put in place in Slovenia to ensure effective participation by the Hungarian and Italian minorities in public life, at local and central level.

¹⁹ This system is governed by the Act Regulating Special Rights of the Hungarian and Italian National Communities in the Field of Education (Official Gazette of the Republic of Slovenia, n° 35/2001).

Present situation

a) Positive developments

166. The Advisory Committee notes that the Hungarian and Italian minorities enjoy direct representation within the National Assembly, and have a right of “veto”²⁰ over laws, regulations and other legislative texts pertaining to the special rights secured to them under the Constitution. Likewise, a Commission for the National Communities, presided over by MPs representing the Hungarian and Italian minorities, has been formed within the National Assembly. In the “ethnically mixed areas”, their participation in public affairs is ensured via the self-governing national communities.

b) Outstanding issues

167. Notwithstanding their specific rights guaranteed by the Constitution, the Hungarians and Italians consider that their voices are insufficiently heard in public affairs and that, in recent years, the impact of their participation in the taking of decisions concerning them, particularly at central level, has been diminishing. Their representatives note that, during the legislative process, the “veto” right guaranteed by the Constitution can be invoked only in relation to legal acts that concern exclusively the rights and status of the national communities protected under the Constitution. According to them, new provisions likely to affect their specific rights are somewhat fragmented and dispersed among various texts, and that, given that their opinions are, in such cases, only of advisory character, their influence on the decision-making process remains limited.

Recommendations

168. The authorities are encouraged to identify, in conjunction with representatives of the Hungarian and Italian minorities, ways of enabling them to voice their expectations more effectively during the drafting and adoption of legislative provisions concerning them, in line with the relevant Constitutional provisions.

Participation by Roma in public affairs

Findings of the first cycle

169. In its first Opinion on Slovenia, the Advisory Committee noted that further efforts are needed to be made with regard to participation by Roma in both the taking of decisions concerning them and, more generally, economic, social and cultural life.

Present situation

a) Positive developments

²⁰ In accordance with Article 64 of the Constitution, laws, regulations and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

170. The Advisory Committee notes that, in accordance with the amended Local Self-Government Act and the associated case-law of the Constitutional Court, Roma now have one Roma councillor on the councils of 19 municipalities out of the 20 municipalities designated by the Constitutional Court in this context. It also notes the active role played by the Union of Roma of Slovenia, an organisation bringing together many of the country's Roma associations, which has now become the authorities' main partner when it comes to addressing Roma issues.

b) Outstanding issues

171. Many sources point out that the degree of participation to which the Roma are entitled at central level is more limited than that available to the Hungarian and Italian minorities. Indeed, although within the executive there is a government commission for the protection of the Roma, in which the latter are represented, no provision is made for representation of the Roma community as such in the National Assembly.

172. The Advisory Committee also notes the criticisms directed at the too limited consultation and dialogue that the authorities pursue with Roma interlocutors other than the Union of Roma of Slovenia. The Advisory Committee is of the opinion that, with a view to obtaining a more comprehensive picture of the needs and expectations of the Roma population, it is important that the authorities listen to the various voices being expressed within this population, and extend the dialogue to other Roma organisations wishing to present their viewpoints. At the same time, the authorities should attempt to go beyond the distinction between those Roma who are considered "autochthonous" and those who are not, and also include, in their consultation, representatives of the latter, who are significantly affected by the programmes put in place in the areas of social cohesion and efforts to combat discrimination.

173. As regards participation by the Roma at local level, the Advisory Committee notes that the Grosuplje municipality has still not elected a Roma councillor to the local council. Although the election of such Roma councillors by the municipalities concerned represents a positive development, this process did not take place without difficulties, and the reluctance shown by some local authorities has led to significant delays.

174. At the same time, the Advisory Committee is still concerned about the ongoing legal uncertainty as to the meaning of the concept of "autochthonous", used in the Local Self-Government Act to determine which Roma communities can be represented by a councillor on the municipal council. Insofar as the distinction between "autochthonous" and "non-autochthonous" has no basis in Article 65 of the Constitution, which deals specifically with the protection of Roma, and has still not been legally defined in Slovenia, its retention in the legislation can only lead to confusion and delay the practical application of the legislation in question (see also comments under Article 3 above).

175. In practice, further efforts are needed in order to enable the Roma councillors to represent their communities more effectively. At present, it appears that their impact on the situation of the Roma remains fairly limited. It is to be hoped that the recent establishment of a

Union of Roma Councillors, designed to ensure better co-ordination of their work, will enable them to be more effective.

176. In addition, the Advisory Committee is concerned about the shortcomings found in terms of effective participation by Roma in various areas of public life, and particularly about the exclusion and marginalisation they still face in fields such as employment, education and housing (see also comments under Articles 4 and 12 above).

Recommendations

177. The authorities should take all necessary measures, without prejudice to the principles of local self-government, to ensure that a Roma councillor can be elected to the Grosuplje local council. Further efforts are also needed, including training for the individuals concerned, to ensure that the Roma councillors can effectively voice the concerns of their communities within local authorities.

178. At central level, the authorities are urged to consider, in consultation with Roma representatives, ways of increasing participation by the Roma in the taking of decisions concerning them.

179. The authorities are urged to co-ordinate their action more fully and to ensure that, in their efforts to increase effective participation by the Roma, they include without distinction those who are considered “autochthonous” and those who are not, as well as those whose legal status has still not been regularised.

ARTICLE 18 OF THE FRAMEWORK CONVENTION

Findings of the first cycle

180. In its first Opinion on Slovenia, the Advisory Committee welcomed the bilateral co-operation developed by Slovenia in the area of protection of national minorities, and encouraged the authorities to continue their efforts in this direction.

Positive developments

181. The Advisory Committee notes that Slovenia has continued to pay considerable attention, in its efforts aiming at strengthening the protection of national minorities, to the ways and means provided in this respect by the bilateral co-operation with Hungary and Italy.

Recommendation

182. The Advisory Committee encourages the authorities to further develop bilateral co-operation, including transfrontier co-operation, particularly with neighbouring States, in areas of relevance for the implementation of the Framework Convention.

III. CONCLUDING REMARKS

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

Positive developments

184. The progress made by Slovenia in developing its anti-discrimination legislation, particularly the passage of the Act on Equal Treatment in May 2004, is to be welcomed. Another positive development has been the setting up, under the aforementioned Act, of the Council for the Implementation of the Principle of Equal Treatment and the establishment of the post of Advocate for the Principle of Equality as institutional mechanisms for ensuring the proper implementation of the principles of equality and non-discrimination. It is also noted that discussion is under way regarding a possible law dealing specifically with the protection of the Roma.

185. As regards practice, the Advisory Committee notes the system providing high level of protection that the Hungarians and Italians continue to enjoy, and the climate of mutual understanding characterising relations between these minorities and the majority.

186. In recent years, Slovenia has developed a range of programmes and measures aimed at improving the social and economic situation of the Roma, providing solutions to the problems they face in the education field and, more generally, combating their social exclusion and marginalisation. Further efforts have also been made to step up their participation in public affairs, particularly at local level.

187. In terms of tolerance and intercultural dialogue, the Advisory Committee welcomes the inclusive, active approach adopted by public institutions such as the Ombudsman and the Constitutional Court, and the continuous efforts they have made to promote respect for human rights and diversity in Slovenia.

Issues of concern

188. The personal scope of application given to the Framework Convention by the Slovene authorities remains limited. In particular, the exclusion of certain Roma and of non-Slovenes from former Yugoslavia (SFRY) and the lack of dialogue in this respect give grounds for concern. The situation of those non-Slovenes from former Yugoslavia (SFRY) whose legal status has still not been resolved raises substantial problems in terms of access to social and economic rights, including educational rights, and effective participation.

189. There are still shortcomings in the implementation of legislative provisions having a bearing on the protection of minorities, together with shortcomings in the resources allocated by the State in this area. As a result, difficulties have been reported by the various groups in respect of the preservation and affirmation of their identity and culture. As regards the

Hungarians and Italians, there are still problems in the implementation of the legislation relating to protection of their linguistic rights in the “ethnically mixed areas”. Another source of concern is the insufficient attention paid to the concerns expressed by persons belonging to national minorities in decision-making affecting them.

190. Notwithstanding the measures taken by the authorities, the situation of the Roma is still a cause of concern. There remain substantial problems in the housing, employment and education fields. Concerns about equality for Roma children in education persist, since the practice of segregating these children in Slovene schools - ordinary or “special” - has not yet been completely abolished.

191. There are concerns about ongoing displays of a lack of understanding, and even hostility, towards certain persons, such as non-Slovenes from former Yugoslavia (SFRY) and the Roma, although these are isolated. It is regrettable that such displays are also reported among certain public officials and politicians, as well as in some media.

Recommendations

192. In addition to the measures to be taken to implement the detailed recommendations contained in chapters 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:

- Undertake wider consultation with representatives of the various ethnic groups and civil society regarding the personal scope of application given to the Framework Convention in Slovenia.
- Find without further delay solutions to the situation of persons from former Yugoslavia (SFRY) whose legal status in Slovenia has still not been regularised and take specific measures to assist these persons on the social and economic front.
- Take enhanced measures to prevent and combat discrimination and social exclusion of and among the Roma; make every effort, in consultation with those concerned, to improve their situation in fields such as employment, housing and education.
- Take all necessary measures to eradicate completely the practice of segregating Roma children in the school system and ensure that they enjoy equal opportunities in access to quality education at all levels.
- Increase the assistance granted to cultural projects and other activities fostering the preservation and affirmation of the cultural, linguistic and religious identity of the Hungarians, the Italians and the Roma, ensuring that the relevant legislation is applied in practice and that resources are commensurate with needs.
- Look for ways to increase the level of State assistance granted to the Albanians, Bosniacs, Croatians, Macedonians, Montenegrins, Serbs and to the German-speaking

persons in their efforts to develop their identity through education, culture and the media.

- Prevent and combat displays of intolerance and xenophobia, including on the political scene, via every possible means; more actively foster a sense of respect for diversity and multiculturalism among the public, and encourage and support the media to play a more active role in this regard.
- Identify, in conjunction with representatives of the minorities, ways to improve their participation in the taking of decisions concerning them, at local and central level.