



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

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**Committee on the Elimination of Racial Discrimination**

**Consideration of reports submitted by States  
parties under article 9 of the Convention**

**Eighth to eleventh periodic reports of States parties due  
in 2013**

**Slovenia\***

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\* The present document is being issued without formal editing.

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## **I. Introduction**

1. The present report was drafted on the basis of written contributions from the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Education, Science and Sport, the Ministry of Justice, the Ministry of Culture, the Ministry of the Interior, the Ministry of Health, the Ministry of Foreign Affairs, and the Office for Nationalities, which is also responsible for Roma issues, financing the activities of Roma societies and implementing the National Programme of Measures for Roma People. The report is supported with the findings of studies and the results of projects organised in partnership with non-governmental organisations, as well as with examples of good practice.

2. The text is in the form of answers to the key questions in the Concluding Observations of the Committee on the Elimination of Racial Discrimination, adopted at the 77th session in Geneva on 24 August 2010 (CERD/C/SVN/CO/6-7), and follows the structure of section C of the Concluding Observations (concerns and recommendations of the Committee).

3. In its Concluding Observations, the Committee noted the positive developments and highlighted certain areas that need particular attention. The report provides answers to all the questions stated in the Concluding Observations, beginning with item 7. In item 23, the Committee reminds the State party of the particular importance of recommendations 7, 9, 11 and 12 and requests that it provide detailed information in its next periodic report on the concrete measures taken to implement these recommendations. Accordingly, these recommendations are at the heart of the present report. All cross-sectoral programmes, declarations and strategies aimed at improving the situation of Roma are described in detail at first mention. However, given the interconnectedness of certain areas, the repetition of the essential elements concerning the integration of Roma, particularly in the field of education and the elimination of discrimination, could not be entirely avoided. For reasons of consistency, the chief highlights of the information provided by the Government of the Republic of Slovenia in January 2013 (CERD/C/SVN/CO/6-7/Add.1) are also summarised.

4. Tables which illustrate specific areas of the integration of Roma and members of “new minorities” are enclosed at the end.

## **II. Progress achieved by the Government of Slovenia**

5. In its Concluding Observations, CERD voiced particular concern about two issues: discrimination against the Roma community in the field of housing (para. 10) and the status of persons who were erased from the register of permanent residents (para. 13), requesting that the State provide a reply and explanations within a year. Thus, in January 2013, the Slovenian Government prepared a reply to the Committee’s request to report on the implementation of its recommendations concerning these two issues.

6. In January 2013, the Slovenian Government also explained the principles underpinning its policies concerning both issues in a written communication, underlining that the Government and municipal authorities had been striving to accelerate, through positive measures, the regulation and improvement of the living conditions of Roma, including their integration and the preservation of their culture and language.

7. To improve the situation of the Roma community in Slovenia, in March 2010, the Slovenian Government adopted the National Programme of Measures for Roma People for the 2010–2015 period, which is intended to improve the living conditions of members of the Roma community in Slovenia and promoting their better, faster and easier social

integration, while preserving their linguistic and cultural characteristics in compliance with needs expressed by Roma themselves.

8. Regarding the status of persons erased from the register of permanent residents, Slovenia also reported about the enactment of the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, which was adopted in 2010. In 2013, in an effort to definitively settle the legal status of these persons and to adopt adequate measures to regulate their reparation, the National Assembly of the Republic of Slovenia passed another act.

9. Since the presentation of Slovenia's report in August 2010, many activities aimed at raising public awareness about the elimination of racial discrimination and evaluating past projects in this area have been carried out. The country has adopted guidelines on a concerted approach to the prosecution of, and punishment for, criminal offences involving incitement to racial intolerance. This was done in accordance with the Committee's general recommendation No. 35 of September 2013 on combating racially-motivated hate speech and with other international instruments. In addition, Slovenia has taken measures and established mechanisms to promote the development of the intercultural competences of relevant civil servants.

10. In recent years, many projects have been carried out to improve conditions for the implementation of the principle of cultural and ethnic diversity, with a view to training relevant civil servants and equipping them with specific knowledge, skills and the ability to empathise, which they need for work in this particularly sensitive area.

11. A major challenge regarding the protection of cultural rights as human rights, particularly those of minorities and vulnerable groups, is the creation of conditions for wider social integration and de-marginalisation, in order to improve the quality and enrich the cultural life of all people living in Slovenia. In compliance with the Committee's general recommendation No. 34 of October 2011 concerning racial discrimination against people of African descent, Slovenia would like to highlight its long years of support for the activities of the Ljubljana-based Institute of African Studies, which has become a research and educational centre dedicated to African history and culture. In partnership with other non-governmental organisations, the Institute carries out projects aimed at promoting African culture, cultural diversity and the elimination of racial discrimination, and providing assistance to migrants of African descent seeking asylum in Slovenia. Their projects are co-financed by the Ministry of Education, Science and Sport, the Ministry of Culture and the Ministry of the Interior.

### **III. Follow-up to the concerns and recommendations contained in the concluding observations (CERD/C/SVN/CO/6-7)**

#### **A. Paragraph 7: Information on the ethnic composition of the Slovenian population**

*The Committee recommends that, in accordance with paragraphs 10 to 12 of the reporting guidelines for the CERD-specific document adopted at its seventy-first session (CERD/C/2007/1), the State party provide information on the use of mother tongues as indicative of ethnic differences, together with information derived from targeted social surveys performed on a voluntary basis, with full respect for the privacy and anonymity of the individuals concerned, and recalls its general recommendation No. 8 (1990) on identification with a particular racial or ethnic group.*

12. Slovenian legislation regulating surveys based on identification with ethnic groups stipulates that, in accordance with the Constitution of the Republic of Slovenia, protection of personal data must be ensured, and prohibits the use of such data for purposes other than those for which they were originally collected. The collection, processing, intended use, control and protection of personal data and the right to judicial protection in cases of their abuse are regulated in greater detail by the Personal Data Protection Act (Official Gazette of the Republic of Slovenia No. 94/07-UPB1), which clearly defines when and under what conditions personal data may be processed.

13. Concerning the collection of data on ethnic identity, it is necessary to underline that Article 6, paragraph 19, of the above Act defines data on racial, national and ethnic descent as sensitive personal data, which are to be processed in a particularly strict procedure (Article 13) and which may be collected only with personal consent and used only for the purposes defined by law. Slovenia has no statutory basis concerning the collection of data on the use of mother tongues, and, therefore, the Slovenian ministries, institutes and public institutions do not collect such data as indicative of ethnic differences.

14. In accordance with the statutory limits, Slovenia seeks to adopt measures concerning the integration of members of the minority communities from the territory of the former Yugoslavia and immigrants on the basis of prior consultations with members of these communities, who know best the situation and can identify the linguistic and cultural needs of their communities. This approach positively affects the development of their cultural projects and promotes peaceful coexistence in diversity.

15. In February 2011, the Slovenian National Assembly passed, by a two-thirds majority, the Declaration of the Republic of Slovenia on the Status of National Communities of Members of Nations of Former SFRY in the Republic of Slovenia (Albanians, Bosniaks, Croats, Macedonians, Montenegrins, and Serbs), which refers to the implementation of the rights of these communities in the areas of education and cultural and political participation.

16. At its session on 27 November 2013, the National Assembly passed a Resolution on the 2014–2017 National Programme for Culture, which stresses that cultural diversity is a human right and a true asset to our society. Its paragraph 15 provides for support for the expressed cultural needs of immigrants and members of national communities under the Declaration of the Republic of Slovenia on the Status of National Communities of Members of Nations of Former SFRY in the Republic of Slovenia.

17. With the financial support of the European Social Fund, the Ministry of Culture has been creating better conditions for the integration of minorities and for developing intercultural competences in minority societies and organisations, thus facilitating the identification and communication of cultural needs.

18. The Ministry of Education, Science and Sport co-finances elective classes in mother tongue and culture for children of immigrants, by providing, on the basis of a co-financing application submitted by an educational institution, a lump-sum payment for each student attending these classes. The allocated funds are used for the necessary equipment (classrooms, teaching materials and tools, and other material costs). Teachers are paid either by the country concerned, parents or societies.

19. In August 2013, the Ministry of Education, Science and Sport published a call for applications for the project “Training Professionals to Achieve Better Integration of Elementary and Secondary School Immigrant Students into the Educational System” with a value of EUR 748,270. The primary objective was to facilitate the integration of children from minority communities and of immigrants into the educational system, and enhance the intercultural competences of teachers and other professionals concerned. The ISA Institute, in partnership with schools, has launched a project entitled “Towards inter-culturality as a

New Form of Co-Existence: Training Professionals to Achieve Better Integration of Elementary and Secondary School Immigrant Students into the Educational System”, to be concluded by 31 August 2015.

## **B. Paragraph 8: Efforts to combat discrimination against Roma**

*The Committee urges the State party to enhance its efforts aimed at combating discrimination against Roma. In light of its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination, the Committee recommends that the State party engage in a data-gathering exercise to ensure that special measures in favour of Roma in the fields of education, housing, health and employment are designed and implemented on the basis of need, and that their implementation is monitored and their effectiveness is regularly assessed.*

20. The statutory basis for the regulation of the status of members of the Roma community in the Republic of Slovenia is provided in Article 65 of the Constitution of the Republic of Slovenia, which stipulates that the status and special rights of the Roma community living in Slovenia are regulated by law. This constitutional provision was fully implemented in 2007 with the enactment of the Roma Community in the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia No. 33/2007), which also served as the basis for the adoption of the 2010-2015 National Programme of Measures for Roma in 2010.

21. Measures aimed at improving the situation of Roma are based on the needs expressed by the Roma community and knowledge of the situation on the ground. The priorities of the National Programme include housing conditions, education, employment, and health care, which require short- and long-term measures. In accordance with Article 4 of the Roma Community in the Republic of Slovenia Act, the Government annually reports to the National Assembly about the implementation of the Act and the 2010–2015 National Programme of Measures for Roma.

22. Slovenia promotes and funds activities aimed at raising public awareness about Roma culture and language, as well as information and publishing activities of the Roma community. The national radio and television stations broadcast Roma programmes: the radio programme “Our Paths — *Amare droma*” and the television programme “What Are You Saying? — *So vakeres?*” The Roma Information Centre, which was assigned a radio frequency and collaborates with trained Roma reporters, has been successfully operating for ten years.

23. Through public calls for applications in 2011, 2012 and 2013, the Office for Nationalities co-financed the activities of Roma societies and local radio programmes aimed at:

- Preserving and consolidating identity;
- Linking different parts of the community and promoting cooperation between them;
- Raising awareness of discrimination and intolerance and combating them;
- Promoting information activities;
- Promoting activities of local radio stations in an effort to encourage the preparation and broadcasting of Roma programmes to:
  - Cover issues relating to Roma in a balanced manner and from different perspectives (Roma, the majority population, state organisations, the state, local communities, international and expert publics);

- Strengthen and preserve Roma national, linguistic and cultural identity;
- Include Roma in programme preparation and broadcasting;
- Promote (greater) tolerance of Roma and their values and encourage Roma to respect the values of the majority population.

24. In 2009, the call for applications of the Slovenian Research Agency prioritised the study “Analysis of Health-Care Services and Their Use by the Roma Population”, with an emphasis on women and children’s health care. Since 2006, the Murska Sobota Institute of Public Health has been implementing a programme aimed at reducing health inequalities among Roma in the Prekmurje Region.

25. In 2008, the Ministry of Health, in cooperation with the Murska Sobota Institute of Public Health, the Union of Roma of Slovenia and the Roma Community Council of the Republic of Slovenia, held the first national conference “Reducing Health Inequalities among Roma”. It featured three workshops, at which participants discussed the health needs of the Roma community, the use of preventive care and the role of the media in reducing health inequalities.

26. The second national conference, held in the Dolenjska Region in 2009, focused on health inequalities among Roma women, who are particularly burdened and whose health is exposed to many risks due to their family status, poor education, frequent unemployment, poverty, social exclusion, unhealthy lifestyles, and other factors. Experts presented a historical overview of the situation of Roma women, the findings of a study on lifestyles and the use of health-care services among Roma women and children, and national preventive care programmes for women.

27. The third national conference was held in Kočevje in 2010 with the assistance of the Ministry of Health, the Murska Sobota Institute of Public Health, the Union of Roma of Slovenia, the Roma Community Council of the Republic of Slovenia, the Kočevje Municipality, the Office of the Government of the Republic of Slovenia for Nationalities, the Novo Mesto Institute of Public Health, and the Ljubljana Institute of Public Health. The main focus was on reducing health inequalities among the Roma population, presenting problems concerning the health of Roma children and proposing possible solutions.

### **C. Paragraph 9: Equal opportunities for Roma in access to quality education at all levels**

*The Committee, in light of its general recommendation No. 27 (2000) on discrimination against Roma, recommends that the State party 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. The Committee also recommends that the State party ensure that all measures provided for in the Strategy for the Education of Roma in the Republic of Slovenia are implemented in practice and the time frames, resources, responsibilities and monitoring mechanisms are clearly set out.*

28. The 2004 Strategy for the Education of Roma in the Republic of Slovenia was drafted in cooperation with the Union of Roma of Slovenia. In 2011, it was upgraded with possible solutions and measures to better integrate Roma children into the education system, from pre-school institutions to graduate and post-graduate programmes. The Strategy supports informal education and the activities of non-governmental organisations, and one of its fundamental goals is the early inclusion of Roma in the education system.

29. The year 2008 saw the publication of a call for applications “Successful Inclusion of Roma in the Education System”, financed by the European Social Fund. The key objective

was the development of mechanisms to better integrate Roma in pre-school institutions and elementary schools and promote Roma culture, history and identity. The selected project, which was carried out from 30 May 2008 to 31 August 2011, was coordinated by the Union of Roma of Slovenia.

30. The main objective of the above project was the introduction of Roma teaching assistants. To this end, schools set up special project teams, including management staff, education professionals and Roma teaching assistants. Thirty Roma teaching assistants were trained and acquired national professional qualifications.

31. The end result is better relations between children and teachers, parents and schools. More than a thousand children who participated in the project had better attendance records and performed better. Teaching materials on Roma language, history and culture were compiled, and Roma parents were educated. The project won European acclaim and received special mention in the 2010 Regio Stars Awards competition organised by the European Commission.

32. The year 2010 saw the publication of the second call for applications of the European Social Fund “Increasing the Social and Cultural Capital in Areas Populated by Members of the Roma Community”. The selected project, worth EUR 3,562,000, was implemented by a consortium of seven partners led by the Institute for Ethnic Studies; the activities were carried out from June 2010 to August 2013.

33. The project objectives included:

- Developing innovative and creative educational activities in the Roma community, with a particular emphasis on the pre-school stage;
- Learning assistance for Roma elementary and secondary school students with a view to raising the quality of their learning, helping them perform better, and promoting comprehension, motivation and active independent learning;
- Developing various extracurricular activities for Roma children, adolescents and parents in the Roma community;
- Training for teachers, social workers and other professionals and the staff of non-governmental organisations with a focus on working with Roma children and adolescents.

34. A particularly innovative aspect of the project was the establishment of Romani educational incubators, which are defined as comprehensive programmes featuring various forms of activity with Roma children, adolescents and their parents in their own environment, i.e. Roma settlements.

35. More than 30 pre-school institutions and schools participated in this project, which provided learning assistance to Roma pre-school children and elementary and secondary school students, offered different educational, pre-school and extracurricular activities, and provided specialised training for the staff of educational institutions, focused on working with Roma children.

36. One of the project partners was the Roma Academic Club, which brings together young Roma intellectuals and students. Its members offered learning assistance to Roma children and organised specialised workshops in Roma settlements.

37. Another significant achievement was the publication of the Thematic Atlas of Roma Settlement in Slovenia, which offers:

- A spatial analysis and thematic charts of Roma settlement;



- Detailed spatial documents about settlements with a Roma population and an analysis of the immovable property, infrastructure and topography of settlements with a Roma population;
- A spatial analysis and information about venues of educational, cultural, sports and other projects.

38. The project selected in the July 2011 call for applications of the European Social Fund “Successful Inclusion of Roma in Education II” built on the results of the project of the Union of Roma of Slovenia, the project of the Institute for Ethnic Studies and solutions proposed in the Strategy for the Education of Roma in the Republic of Slovenia, as amended in 2011. The project, led by the Kočevje Adult Education Centre, was launched on 1 September 2011 and will be concluded on 31 August 2014. The aim is to upgrade and raise the quality of work of Roma teaching assistants.

39. The Centre for School and Outdoor Education is running the project “Together towards Knowledge — Meeting the Objectives of the Strategy for the Education of Roma in the Republic of Slovenia”, which will be concluded in August 2015. The aim is to develop and upgrade innovative and alternative forms of education to better integrate Roma children and students into the educational system. The principal objective is to create synergy with previous projects (Romani educational incubators and teaching assistants) and include the entire community in the planned activities. Special emphasis is placed on educating children and parents, particularly on developing family literacy, offering various forms of learning assistance for Roma children and promoting activities and programmes involving cooperation between relevant professionals, Roma parents and children as well as interaction with the non-Roma population, and training for relevant professionals. The Ministry of Education, Science and Sport will continue to finance the inclusion of Roma children into the pre-school education system.

40. At elective classes in Roma culture, students learn about Roma history, Roma culture as a lifestyle and Roma cultural expression in the past and present. They learn how different national and ethnic communities co-exist. Special attention is also devoted to the education of teachers, which takes place within the teachers’ network at the National Education Institute and projects of the European Social Fund.

41. The state devotes special attention to the education of Roma elementary school students, granting special concessions to the schools that they attend. The Ministry of Education, Science and Sports, for example, allocates additional funds for individual and group work with Roma students. This has also resulted in the creation of smaller classes, subsidised meals, textbooks, excursions, etc. Furthermore, continued funding is provided for development and research studies concerning the integration of Roma children, the development of teaching tools and textbooks to standardise the Roma language and to provide the basis for teaching the Roma language and culture.

42. Schools provide tutoring by specially trained tutors both at school and in Roma settlements. If the Roma settlement lacks appropriate facilities, tutoring is carried out at mobile learning assistance centres (incubators).

43. Slovenian schools and pre-school institutions do not segregate Roma children. They follow prescribed forms of individualised education programmes, internal and flexible differentiation and academic streaming, which apply to all students. Particular attention is devoted to special teaching strategies, notably to the question of individualised education programmes and differentiation on the basis of planned monitoring and regular evaluation of progress achieved by individuals.

44. Roma children, except those with special needs, attend regular classes. Whether a child (any child) has special needs is decided by a commission for the placement of children with special needs.

45. The Employment Service of Slovenia does not keep a separate record of unemployed persons of Roma descent. It may only keep records of those Roma who declare themselves as Roma in the preparation of employment plans or during any other procedure at the Employment Service.

46. Despite the grave situation in the labour market, there are no significant changes to the number of registered unemployed Roma. The high unemployment rates are mainly due to the economic crisis in Slovenia. The numbers of unemployed Roma are provided below.

**Number of unemployed Roma in the period 2010–2013**

<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Number	2,283	2,328	2,313	2,475

*Source:* Employment Service of Slovenia.

47. The activation of Roma increases their chances of re-entering the labour market. The number of Roma removed from the official unemployment records because they obtained employment was 264 in 2010, 245 in 2011, 283 in 2012 and 279 in 2013.

48. In an effort to reduce the number of unemployed Roma and increase their employability, Roma are included in active employment policy measures, which encourage training and education, employment incentives, job creation and self-employment. Since 2012, following amendments to labour legislation, unemployed Roma may participate in workshops within labour market services provided by concession operators selected in a public call for applications for lifelong career guidance services (see Annex I).

49. The purpose of these workshops is to acquire the skills required to identify a person's interests and competences, to identify opportunities, to acquire knowledge and to decide on and realise employment and career goals. Participants at these workshops receive the necessary support to pass rapidly from unemployment to employment, which also increases the social integration of Roma. Roma may also turn to information and career guidance centres, which offer assistance in planning education and career.

50. The Ministry of Labour, Family, Social Affairs and Equal Opportunities also earmarked funds for projects involving Roma within the Operational Programme for Human Resources Development for the Period 2007–2013, which provides the basis for drawing on funds from the European Social Fund. Projects were aimed at attaining the general objective of development priority No. 4, namely the promotion of equal opportunities and the greater social inclusion of underprivileged groups, including Roma, in the labour market.

51. Thus in the period 2007–2013, the Ministry published public calls for applications to stimulate social entrepreneurship. The subject of the Ministry's public calls for applications of the summer of 2009 and the spring of 2012 was the facilitation of access to training and employment for underprivileged groups in the labour market (including Roma) through the development of social entrepreneurship.

52. The Ministry co-financed projects that ran from 24 to 36 months and were aimed at stimulating commercial activities (retail and services) and creating jobs for underprivileged groups. The public call for applications was aimed at co-financing the following activities:

- The development of new or expansion of existing commercial activities;

- Training for members of underprivileged groups to participate in these activities;
- The creation of jobs for members of underprivileged groups and their employment for at least a year.

53. Within the 2009 public call for applications, two projects, with the total value of almost EUR 400,000, were selected and included members of the Roma community as members of underprivileged groups; within the 2012 public call for applications, three projects, with the total value of EUR 900,000, were selected (see Annex V).

#### **Example of good practice: Roma Socialisation**

54. “Helping Roma with Socialisation”, a community work placement programme, is a perfect example of good practice. It includes education and learning assistance, leisure activities in Roma settlements, activities aimed at overcoming language barriers, help with establishing dialogue, the inclusion of adults in educational programmes, closer involvement with the surrounding environment, help with the regulation of housing conditions and infrastructure in Roma settlements, accompanying Roma to relevant institutions, integration into the local environment, encouraging young Roma to return to educational programmes, the promotion of healthy lifestyles, etc. The programme is carried out by elementary schools, pre-school institutions, social services, societies, libraries, adult education centres, education centres, and municipalities.

#### **Results achieved in the period 2011–2013**

<i>Year</i>	<i>No. of “Helping Roma with Socialisation” community work placement programmes</i>	<i>No. of persons included in community work placement programmes</i>	<i>Funds (EUR)</i>
2011	34	79	862,604
2012	44	88	825,169
2013	49	108	813,145

55. Another noteworthy example of good practice is the ongoing project “*Romano kher* — Roma House”, particularly because of the introduction of the Roma employment agent model, which is carried out within the Public Call for Applications for the Promotion of Equal Opportunities and Social Inclusion in the Labour Market, financed by the European Social Fund.

56. In 2012, the model included 14 Roma (9 women and 5 men), of whom 7 gained employment and 6 considerably increased their employment chances. In the first half of 2013, another 14 Roma participated in this activity, and in the end, one gained employment.

### **D. Paragraph 10: Roma housing conditions**

*In light of its general recommendation No. 27 (2000), the Committee recommends that the State party effectively implement and monitor compliance, at the local level, with its laws, policies and projects in particular within the framework of the National Programme of Measures for Roma People for the 2010–2015 period aimed at ensuring the right to housing for all without discrimination, including social housing. The Committee reiterates its recommendation that the State party strengthen its measures aimed at improving the housing conditions of the Roma in view of the importance of such conditions for their enjoyment of other rights enshrined in the Convention. The Committee also recommends that the State party intensify its efforts to involve Roma communities and associations as partners, together with other persons, in housing project construction, rehabilitation and*

*maintenance. It further recommends that the State party refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other basic facilities.*

57. The resolution of spatial planning issues and regulation of the housing conditions of Roma is a process which may be successful only in a partnership between municipalities, the Roma and state institutions, with each side fulfilling their respective duties. The Government Commission for the Protection of the Roma Ethnic Community approved the proposed resolution of spatial planning issues in Roma settlements in November 2011.

58. Municipalities provide low-cost housing on the basis of public calls for applications (except in the case of alternative housing due to demolition, renovation or natural disasters) in accordance with Article 87 of the Housing Act and the Rules on Low-Cost Housing. However, in such calls for applications, municipalities have the discretion to determine a category that will receive priority treatment.

59. The Slovenian authorities do not place Roma outside populated areas that are isolated and without access to health care and other basic facilities. Certain Roma live in isolated areas or, to be more precise, on the fringes of settlements, which is the consequence of their past settlement patterns. More than a hundred settlements in Slovenia have a predominately Roma population.

60. Most Roma settlements emerged on farmland or in endangered or protected areas. Most of the buildings are illegal, built on plots of land owned by others, and not connected to public utilities. Due to past settlement patterns, the Roma housing issue cannot be resolved by simply moving them into social housing. In 2012, the Slovenian Human Rights Ombudsman drafted a special report on the housing conditions of Roma<sup>1</sup>, which the National Assembly discussed in September 2012.

61. The expert group tasked with resolving spatial planning issues in Roma settlements at the ministry responsible for spatial planning prepared two expert reports:

- An expert report entitled “Spatial Planning Issues in Roma Settlements in Slovenia”, which comprises working scenarios for the development of Roma settlements and as such provides the basis for specific programmes and projects for the organisation of Roma settlements;
- A supplement to the 2007 situation analysis of Roma settlements after the measures undertaken by ministries and other government agencies in recent years (November 2010).

62. Given the current legal order and applicable legislation in Slovenia, spatial planning is the exclusive responsibility of municipalities. The latter must, as a precondition for the legalisation of Roma settlements, first include these in municipal spatial planning documents. To date, out of 20 municipalities with a Roma councillor, 7 municipalities have adopted a municipal spatial planning document, 5 municipalities have a draft proposal for a document (about to be adopted), and 8 municipalities are working on drafts. All municipal spatial planning documents also address the organisation of settlements with a Roma population.

63. In public calls for applications, line ministries provide for the regulation of the basic infrastructure in Roma settlements with financial incentives, and also co-finance

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<sup>1</sup> See [http://www.varuh-rs.si/fileadmin/user\\_upload/pdf/posebna\\_porocila/POSEBNO\\_POROCILO\\_ROMI\\_-\\_maj\\_2012\\_-\\_za\\_splet.pdf](http://www.varuh-rs.si/fileadmin/user_upload/pdf/posebna_porocila/POSEBNO_POROCILO_ROMI_-_maj_2012_-_za_splet.pdf).

municipalities' elaboration of the expert bases required for preparing detailed municipal spatial planning documents.

64. In the 2007–2012 period, the Government Office for Local Self-Government and Regional Policy published three public calls for applications for co-financing projects concerning the basic public utilities in Roma settlements. The public call for applications in 2007 co-financed projects for 2007, 2008 and 2009 worth EUR 2,725,302.5; the public call for applications in 2008 co-financed projects for 2008, 2009 and 2010 with a total value of EUR 1,478,847.33; and the public call for applications in 2012 co-financed only projects for 2012. No additional funds for these purposes were allocated in 2011.

65. In 2012, 18 projects in 16 municipalities were co-financed. These included the construction of a sewage system in 8 settlements, the purchase of land plots in 3 settlements, the construction of water distribution systems in 6 settlements, the construction of road infrastructure in 9 settlements, and the connection to the power supply system or public lightning in 2 settlements.

66. Municipalities were allocated EUR 2,598,900.65 for these purposes, of which they disbursed EUR 2,441,316.13.

67. In March 2013, a public call for applications for projects concerning the basic utilities in Roma settlements in the amount of EUR 3 million was published. Projects were to include: water distribution systems, including water catchments and pipelines connecting end users to the distribution system; sewage systems where needed to protect water sources or to meet other environmental requirements in Roma settlements; electric power supply systems in built-up Roma settlements; the construction of new local roads leading to Roma settlements and roads within settlements or the reconstruction of existing ones; purchase of land plots with a view to organising or completing Roma settlements.

68. In 2013, 18 projects in 11 municipalities were co-financed: the construction of a sewage system in 10 settlements, the purchase of land in 1 settlement, the construction of water distribution systems in 7 settlements, and the construction of road infrastructure in 8 settlements. In the 2015 budget, EUR 3 million have been earmarked for this call for applications.

69. Issues relating to the housing conditions of the Roma community are thus being addressed with a view to finding a systematic and long-term solution.

## **E. Paragraph 11: Combating prejudices against members of ethnic minorities and improving relations between the general public and minority communities**

*The Committee recommends that the State party continue to endeavour to combat prejudices against persons belonging to ethnic minorities and improve relations between the general public and minority communities. The Committee also recommends that the State party ensure the effective investigation and prosecution of all acts of political discourse against these minorities that are not in line with the Convention.*

70. Many activities have been launched to combat prejudices against members of ethnic minorities and to improve relations between the general public and minority communities. Educational institutions throughout Slovenia have been engaged in multiple projects concerning intercultural dialogue that are aimed at improving relations with minority communities.

71. The National Programme of Measures for Roma People 2010–2015 also includes activities to raise public awareness about Roma culture and fight discrimination against

Roma. Three specific measures have been adopted: (1) preventing discrimination and eliminating prejudices and stereotypes about Roma; (2) education of representatives of Roma communities on councils of local self-governing communities (Roma councillors), societies and other organisations (Roma activists); (3) education of public administration and judicial authorities employees dealing with members of Roma communities. The Government Office for Nationalities is responsible for measures 1 and 3, and Roma community organisations for measure 2.

72. The public awareness-raising campaign “*Dosta!* Go beyond prejudice, discover the Roma”, which was launched within the joint programme of the Council of Europe and the European Commission to combat prejudice and stereotypes about Roma, was at its peak in late 2008, 2009 and 2010<sup>2</sup>. Due to the economic crisis and budget revision, the number of such activities was reduced in 2011. However, the distribution of campaign materials, including leaflets, CDs (Music beyond Prejudice — Roma variations on the European anthem), and DVDs (Dream of a Black-and-White Rainbow), continued.

73. For several years now, the Slovenian police have been carrying out special training for police officers to prepare them for work in a multi-cultural environment according to the certified programme “Raising Awareness of Stereotypes, Curbing Prejudice and Preventing Discrimination in a Multi-Cultural Community”, with a special emphasis on members of the Roma community. The basic training is upgraded with training in language and culture basics, in this case two Roma dialects.

74. The programme also includes workshops with preventive topics aimed at informing the community about positive legislation. With the 2010–2015 National Programme of Measures for Roma People these good practices were extended to include other civil servants who deal with members of the Roma community. Thus, in the period 2010–2013, a number of such training courses were organised for employees of elementary schools, social services, and local employment services. In the coming years, these activities will be further extended.

#### **Example of good practice: Ministry of the Interior — SKUPA-J**

75. In 2013, the police launched activities relating to the SKUPA-J project. The main objective of the project, for which the Ministry of the Interior applied for co-financing within the PROGRESS programme of the European Commission in 2012, was to educate civil servants, Roma and the general public in an effort to overcome any obstacles and improve the quality of co-existence. The project has three key components:

- Consolidation and development of existing policies aimed at combating discrimination against Roma, promoting their equality and improving their situation;
- Encouraging a better flow of information about European and national policies and legislation concerning the fight against discrimination against Roma and building

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<sup>2</sup> Since the launch of the campaign in late 2008, a multitude of activities have taken place: media coverage, informing the media about the campaign, the campaign’s presence at major events (International Roma Day, Roma Culture Festival “*Romano čhon*/Roma Month”, Volunteer Day, Cultural Bazaar, PUMstival festival, Cultures Week in Novo Mesto), the filming of the young adult documentary film “Dream of a Black-and-White Rainbow” and its premiere at the Slovenian Ethnographic Museum (22 April 2010), cooperation with the Krško-based Society of Allies for Soft Landing in the realisation of creative workshops for children and adolescents in Roma settlements in the Krško Municipality, a summer camp in Grosuplje for Roma and non-Roma children, a meeting of children from Bela Krajina and Prekmurje at Pušča in Murska Sobota — presentation of Roma culture and society, a summer camp in Metlika (presentation of the children’s club “Happy Heart” in partnership with the *Dosta!* campaign), etc.

closer ties with Roma by overcoming stereotypes and prejudice among civil servants and the general public;

- Combining good practices in including Roma children in schools, educating and strengthening the role of Roma women and improving the quality of life of Roma (with a particular emphasis on women, the elderly and the disabled).

SKUPA-J is a one-year project divided into two parts: the first part is devoted to civil servants who are in contact with the Roma population; and the second part is addressed to Roma and includes workshops in Roma settlements.

76. At the end of 2013, the Ministry of the Interior, together with the European Fund for the Integration of Third-Country Nationals, funded a media campaign to promote migration as a positive factor that stimulates social development and cohesion, and the importance of accepting migration as such in the receiving societies.

77. For a number of years, the Ministry of Culture has supported activities that promote the cultures of ethnic minorities and allow for the presentation of ethnic communities and their cooperation and contacts with the wider public, thus contributing to better relations between the general public and minority communities and to the fight against prejudices. It particularly supports activities that are carried out within the public system.

#### **Example of good practice: Ministry of Culture**

78. Having long followed the cultural activities of individuals and societies belonging to different ethnic groups, in 2010, the Ministry of Culture invited the City Museum of Ljubljana to carry out activities depicting the lives and work of these individuals and societies. Thus far, the Arab and Macedonian communities have been presented, and 2014 will see the presentation of the Albanian community.

79. At its eighth urgent session on 13 February 2013, the Commission of the National Assembly of the Republic of Slovenia for Petitions, Human Rights and Equal Opportunities discussed displays of intolerance against members of the Hungarian national community in Slovenia and decided to hold a public discussion about identifying, combating and prosecuting hate speech and intolerance and relevant measures. The discussion was held on 13 March 2013 in the National Assembly.

80. On 14 February 2013, the Ministry of the Interior convened a meeting on hate speech. The attendees included the Human Rights Ombudsman, the Information Commissioner, and representatives of the General Police Directorate and the Office of the State Prosecutor General of the Republic of Slovenia.

81. In the 2012 report, the Human Rights Ombudsman mentions the initiatives and communications forwarded by the deputy representing the Hungarian national community and the Hungarian self-governing national community of the Municipality of Moravske Toplice. These initiatives notified the Human Rights Ombudsman of letters addressed to the Hungarian self-governing national community and certain individuals, defaming the Hungarian national community and denying its existence.

82. The Human Rights Ombudsman agreed that such messages could be insulting to members of the national community and expressed the hope that the competent state authorities would investigate the matter and take appropriate measures. According to the Human Rights Ombudsman Office, this was precisely what the authorities did. The Ombudsman responded to this matter in two press releases on the occurrence of hate speech, which were published on the website.

**Examples of good practice: Ministry of Foreign Affairs***Equal Opportunities in Slovenian Diplomacy*

83. An empirical survey was conducted in 2008 and 2009. A questionnaire was then drafted on the basis of preliminary in-depth interviews and completed by 37.3% of the employees of the Ministry of Foreign Affairs. It included an assessment of problems arising from different discriminatory factors in the Slovenian diplomatic service: political affiliation, gender, age, national and/or religious affiliation, personal grudges and personal preferences.

84. The three most problematic discriminating factors according to the respondents were political affiliation, personal preference and personal grudges. Only respondents above 60 years identified age as the third most problematic factor. The order of these three factors varied according to gender, age, position and years of service.

85. National and/or religious affiliation was assessed as the least problematic. According to the respondents, gender played no significant role in equal opportunities in the Slovenian diplomatic service. On the basis of the results of the empirical survey, 2010 saw the appointment of a special equal opportunities working group, tasked with defining the main problems regarding equal opportunities and interpersonal relations at the Ministry and finding appropriate solutions. The working group drafted a report with 50 measures, which was also supported by then Foreign Minister, Samuel Žbogar.

*Raising awareness of the Holocaust*

86. In 2013, the Ministry of Foreign Affairs, in cooperation with the Ministry of Education, Science and Sport, the National Education Institute of the Republic of Slovenia and several prominent Slovenian experts, prepared and carried out a project aimed at raising awareness of the Holocaust. The first stage consisted of a survey to explore ninth grade students' knowledge of the Holocaust, and the second saw the publication of the booklet "Unknown Traces: Judaism, Anti-Semitism and the Holocaust in Slovenian History". The booklet was distributed to all Slovenian elementary and secondary schools and general libraries; it is also available online on the official websites of the Ministry of Foreign Affairs and the National Education Institute.

**Example of good practice: Ministry of Labour, Family, Social Affairs and Equal Opportunities**

87. Between 2009 and 2013, the Ministry of Labour, Family, Social Affairs and Equal Opportunities co-financed 25 programmes of various providers of social assistance on the basis of annual calls for applications (the Slovenian Red Cross, social services, the Institute for Self-Assisted Learning and Promotion of Creativity Log-um, the Association for Developing Voluntary Work Novo Mesto, the Association for Education of Children and Promotion of Their Ties, Mozaik Association — Children's Association, etc.) with a total value of over EUR 213,000.

88. In 2010, in the context of the European Year for Combating Poverty and Social Exclusion, the Ministry co-financed the project "Roma Information Point 2010 — Help of Radio Študent in Setting up and Opening the Point". The project was selected on the basis of a public call for applications to co-finance activities in the context of the European Year for Combating Poverty and Social Exclusion and received funding of EUR 13,980. Ljubljana thus gained a Roma information point, with a Roma adviser. To mark the occasion, various informational materials were published and Radio Študent prepared and broadcast six radio programmes on Roma and their integration, which ran from April to December 2010.



### **Example of good practice: Institute for African Studies**

89. The Institute for African Studies with partners, the IN Agency and the European Network on Gender Equality, carried out the project “Managing Diversity in the Public and Private Sectors — Diversity Enriches”. The project was concluded in January 2013 with a highly successful closing conference. The aim was to encourage companies and public institutions to consider developing and using diversity management strategies during recruitment and among their employees<sup>3</sup>.

90. In this context, a number of activities were successfully carried out:

- Round tables and discussions in several Slovenian cities, addressing specific local aspects of diversity management;
- Establishment of an expert coordination group following relevant events in Slovenia and drafting reports;
- A diversity week promoting diversity management.

91. The project was carried out by the Slovenian Human Rights Ombudsman, the Ministry of Justice and Public Administration (Public Sector Directorate), the Ministry of Labour, Family, Social Affairs and Equal Opportunities (Directorate for the Disabled, Veterans and Victims of War), the Employment Service of Slovenia, the Chamber of Commerce and Industry of Slovenia, the University of Primorska, representatives of local self-governing authorities, NGOs and volunteers.

## **F. Paragraph 12: Status of persons belonging to minorities not explicitly provided for in the Constitution**

*The Committee recommends that the State party adopt measures to protect persons belonging to minorities not explicitly provided for in the Constitution in the exercise of their political rights without discrimination, and take measures to ensure that all groups of minorities are represented in Parliament and in regional elected bodies.*

92. Since the beginning of the systemic approach to migrant integration in the Republic of Slovenia, major attention has been devoted not only to integration assistance programmes but also to local programmes focusing on inter-cultural dialogue with citizens of third countries concerning different areas of everyday life. The aim is to stimulate cooperation between different cultures and national identities, to promote tolerance of, and respect for, cultural differences, to raise awareness of the significance of intercultural dialogue, and to promote different cultures and ethnic diversity.

93. Slovenia strives to preserve cultural diversity and facilitate the integration of persons who are immigrants or belong to minorities from the countries of the former Yugoslavia through a number of measures. Within EU co-funded projects, it promotes cooperation aimed at strengthening the intercultural competences of civil servants.

94. Based on the Declaration of the Republic of Slovenia on the Situation of the National Communities of Members of Nations of Former SFRY in the Republic of Slovenia (Albanians, Bosniaks, Croats, Macedonians, Montenegrins and Serbs), on 17 October 2013, the Government Council for Issues Concerning the National Communities of Members of Nations of Former SFRY in the Republic of Slovenia was established as a consultative body to the Government.

<sup>3</sup> See <http://www.africanstudy.org/strategija.html>.

95. The Council is chaired by the State Secretary at the Ministry of Culture, which also provides expert, administrative and technical support.

96. November 2013 saw the adoption of the Resolution on the National Programme for Culture 2014–2017, which, in paragraph 15, defines support for the expressed cultural needs of immigrants and members of national communities listed in the Declaration of the Republic of Slovenia on the Situation of the National Communities of Members of Nations of Former SFRY in the Republic of Slovenia.

97. In 2009, following a series of analyses and consultations, including with members of these national communities, a step forward was taken in the attempt to encourage the Public Fund for Cultural Activities to engage in public oversight of projects launched by societies of different minority communities that are not listed in the Constitution of the Republic of Slovenia but included in the Declaration (Albanians, Bosniaks, Croats, Macedonians, Montenegrins and Serbs). The Public Fund finances cultural projects aimed at preserving the languages and cultures of these communities.

98. Numerous projects of minority communities are financed through the Public Fund for Cultural Activities (see Annex III). In addition, the Public Fund finances the costs of premises and equipment which are essential for unhindered operation of societies of these minority communities (see Annex IV).

99. The Ministry of the Interior, which is responsible for coordinating integration measures, seeks to build a relationship between the general public and immigrants, taking into account that integration is a two-way process and promoting integration and development of anti-discrimination policies, as well as the respect for the core EU values and human rights. To this end, it also carries out programmes aimed at educating and raising awareness among the general public and nationals of third countries about the importance of integration into Slovenian society.

100. Many projects funded by the Ministry of Education, Science and Sport promote better mutual understanding and intercultural dialogue, positive relations, understanding and tolerance. In addition, school curricula contain topics on intercultural dialogue, particularly history, civic education, ethics, sociology and social science.

101. Several projects within the framework of cross-border programmes within European Territorial Cooperation 2007–2013 are underway in Slovenia; they focus on the social integration of members of other nationalities and the Roma community, tolerance, solidarity, intercultural dialogue, etc. Some even include activities that are specifically devoted to the use of the languages of other nationalities and the Roma community. Generally, 85% of financing is provided by European funds and a smaller share (usually 10%) is provided by the State budget.

## **G. Paragraph 13: The legal status of “erased” people**

*The Committee recommends that the State party:*

*(a) Resolve definitely the legal status of all concerned citizens from the former Socialist Federal Republic of Yugoslavia States presently living in Slovenia;*

*(b) Ensure the full enjoyment of their economic and social rights including the access to health services, social security, education and employment;*

*(c) Conduct an outreach campaign to inform “the erased” currently living outside Slovenia of the existence of the new legislative measures and the possibility of benefiting from them; and*

(d) *Grant full reparation, including restitution, satisfaction, compensation, rehabilitation and guarantees of non-repetition, to all individuals affected by the “erasure”.*

102. The first stage of regulating the status of the “erased” was the issue of supplementary decisions to all those who had already regularised their status on the basis of Constitutional Court decision No. U-I-246/02 of 3 April 2003. These supplementary decisions reinstated permanent resident permits and regulated the registration of permanent residence from erasure onwards.

103. The second stage was the adoption of the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, which was passed by the National Assembly in 2010. On the basis of this Act, all “erased” people who had not had permanent residence permits or registered permanent residence in the Republic of Slovenia, could apply for a permanent residence permit within three years of the entry into force of the Act. The Act also regulated the issue of permanent residence permits and special retroactive decisions for the children of the “erased” who were born in Slovenia after 25 June 1991 and had resided there from birth. The application deadline expired on 24 July 2013.

104. The Ministry of the Interior undertook a number of activities to inform the interested public about the Act before its entry into force. Once it took effect, the Ministry issued a special brochure in the Slovenian language, which was available at all administrative units in Slovenia and diplomatic missions and consular posts in all states of the former SFRY. It was also distributed to NGOs. In January 2012, the Ministry published the brochure in four other languages of republics of the former SFRY. The brochures and all relevant information are also available at the website of the Ministry ([www.infotujci.si](http://www.infotujci.si)). Since 20 July 2010, the Ministry has been operating a toll-free telephone number for information on the amended Act.

105. The third stage is the Act on Reparation for Persons Erased from the Register of Permanent Residents, which was passed by the National Assembly on 21 November 2013 and will be applicable as of 16 June 2014. With this Act, Slovenia has taken a step forward in regulating reparation for the “erased” and implementing the judgements of the European Court of Human Rights in *Kurić and Others v. Slovenia* of 26 June 2012 and 12 March 2013. Thus, the legal order of the Republic of Slovenia now systemically provides for just satisfaction, i.e. reparation for persons affected by “erasure” from the register of permanent residents and redresses violations of human rights and fundamental freedoms.

106. In drafting the Act, the primary focus was on the definition of eligible claimants, with due regard for the judgement of the European Court of Human Rights; monetary compensation claims for damage sustained from “erasure” according to defined criteria and through a special administrative procedure, which would be client-friendly, speedy and without requests for further evidence; restitution claims through court proceedings, which do not exclude potential claims for restitution through a special administrative procedure; other types of just satisfaction in the form of substantive legal and other benefits for eligible claimants in different areas.

107. In selecting and determining other forms of just satisfaction, the main objective was to ensure or allow eligible claimants the implementation of their rights in different areas, which had been highlighted by NGOs and persons affected by “erasure”. In addition to flat-rate monetary compensations, the state now provides eight specific measures: (1) the payment of contributions for compulsory health insurance; (2) participation and priority consideration in social security programmes; (3) facilities in the exercise of rights to benefits; (4) equal treatment in state scholarship procedures; (5) equal treatment in the area of housing; (6) unobstructed access to education; (7) participation and priority treatment in

integration programmes; (8) exemption from personal income tax for the monetary compensation.

## **H. Paragraph 14: Legal remedies in the field of racial discrimination**

*The Committee requests that the State party ensure that appropriate provisions are available in national legislation and inform the public about all legal remedies in the field of racial discrimination. Furthermore, the Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute.*

108. The described case law shows that even earlier, under the previous Criminal Code from the period 1995–2008 (Official Gazette of the Republic of Slovenia No. 95/04-UPB1), Slovenian courts applied a relatively broad definition of both relevant criminal offences (particularly that of incitement to hatred, strife, or intolerance based on a violation of the principle of equality when committed in connection with the Roma community<sup>4</sup>). The courts thus considered that the Roma community enjoys special protection on the basis of Article 65 of the Constitution of the Republic of Slovenia and that, prior to the adoption of the law dealing specifically with the Roma community, this special protection was ensured through sector-specific legislation.

109. The new Criminal Code, adopted in 2008, to which the Committee refers in paragraph 11 of its concluding observations, was last amended in 2011 (Official Gazette of the Republic of Slovenia No. 91/11). These latest amendments also introduced certain changes to the criminal offence of public incitement to hatred, violence or intolerance (Article 297). The Criminal Code now provides for the prosecution of the administrator or the person substituting for the administrator of a website, if the criminal offence is committed through the website.

110. The original wording provided only for the prosecution of editors of media, if the criminal offence was committed through the media. The amended text also extends the list of personal circumstances serving as the basis for hatred, violence and intolerance (it specifically mentions ethnic affiliation and “any other personal circumstance”).

111. This is basically a more literal summary of Article 14 of the Constitution of the Republic of Slovenia, which regulates equality before the law and which, since 1991, has explicitly prohibited discrimination on the basis of “any other personal circumstance”. The amendments also take into consideration the provisions of Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms — which the Republic of Slovenia ratified in 2010 — namely the prohibition of discrimination “on any grounds” under the first paragraph of Article 1. The amended text also provides a more precise definition of the manner of committing the criminal offence (Article 297, “...and commits the offence in a manner that can jeopardize or disrupt public order, or uses a threat, verbal abuse or insult”).

112. The amended Criminal Procedure Act (Official Gazette of the Republic of Slovenia No. 91/11) introduced a number of new provisions that expedite the work of the state prosecutor’s office and courts. A major novelty is the possibility of plea bargaining, which

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<sup>4</sup> The criminal offences of violation of the right to equality and public incitement to hatred, violence or intolerance are described in detail in paragraph 14 and footnote 5 in the Fifth Periodic Report of the Republic of Slovenia (CERD/C/398/Add.1).

has become rather popular in a relatively short time. This suggests that court proceedings will be shortened and the workload of state prosecutor's offices reduced. This may also lead to more efficient prosecution in cases of offences involving violations of the principle of equality and/or public incitement to hatred, violence or intolerance.

113. Both offences are prosecuted *ex officio* by the competent State prosecutor (rather than victims of racial discrimination themselves). The criminal offence of public incitement to hatred, violence or intolerance under Article 297 of the Criminal Code is by definition committed publicly, making it easier for law enforcement agencies to detect them. These proceedings are also closely followed by the public, which further helps raise awareness. Several described cases received a great deal of coverage and were followed by the entire Slovenian public (a conflict between local majority residents and a Roma family).

114. The statistics show that the number of convicted people for criminal offences under Article 297 of the Criminal Code is rising; in 2010, one person was convicted, eight in 2011, and thirteen in 2012.

### Case law

#### **Article 297 of the amended Criminal Code (Article 300 of the former Criminal Code) — public incitement to hatred, violence or intolerance**

*Decision of Ljubljana Higher Court, ref. No. I Kp 355/2008<sup>5</sup>:*

115. The defendant stated at a local community meeting at the community centre in A. that "next Friday at 7 pm, we will meet there, we will clearly and loudly lay out the plan and shake hands on it, and everyone will vouch with their signature to personally attack the Roma". These words referred to the Roma family S. and were caused by tensions between them and the local community. The local court acquitted the defendant A. B. of the charges of incitement to hatred, violence or intolerance based on the violation of the principle of equality under Article 300, paragraph 1, of the Criminal Code.

116. The higher court, however, granted the State prosecutor's appeal, repealing the challenged judgement and remanding the case to the first instance court for rehearing before a different judge. The decision was based on the following grounds: Article 63 of the Constitution of the Republic of Slovenia primarily regulates a specific aspect of freedom of expression and explicitly prohibits only certain acts, namely incitement to discrimination, incitement to hatred and intolerance and incitement to violence and war. The prohibitions under Article 63 of the Constitution are intended to protect the constitutional values of equality, human dignity, the principle of democracy and the rule of law. The position of the first instance court that only the Italian and Hungarian national communities in Slovenia, which are granted special rights under the Constitution of the Republic of Slovenia (articles 5 and 64), enjoy protection against criminal offences under Article 300 of the Criminal Code, is incorrect. Equally incorrect is the position in the challenged judgement that states that the Roma community has been granted special protection only with the enactment of the Roma Community Act. In fact, as a special ethnic community, the Roma community enjoys special protection under Article 65 of the Constitution, and before the passage of this Act, special protection was guaranteed by other sector-specific legislation. The Roma community is not recognised as a national minority in Slovenia; however, it has been recognised as an ethnic community or a minority group with specific ethnic characteristics (e.g. own language and culture) and enjoys general constitutional rights, which are guaranteed to all, and special protection.

<sup>5</sup> See [http://www.sodisce.si/znanje/sodna\\_praksa/visja\\_sodisca/43156/](http://www.sodisce.si/znanje/sodna_praksa/visja_sodisca/43156/).

*Decision of the Ljubljana Higher Court, ref. No. I Kp 359/2008<sup>6</sup>:*

117. The defendant allegedly stated in an interview on national television in A. the following: “There will be a massacre up there, for sure. It’s a sure thing. I will burn all and slaughter them. I’m telling you right here into the camera; it will happen million percent sure. Something happens to my kids or me, everything goes. I will not waste words, believe me.” This statement referred to the local Roma and only fuelled the readiness of both the local majority population and the Roma to fight. The first instance court acquitted the defendant, but the higher court granted the state prosecutor’s appeal, repealing the judgement of the first instance court and remanding the case for rehearing before a different judge.

118. The criminal offence under Article 300, paragraph 1, of the Criminal Code penalises the violation of the prohibition of acts aimed at creating inequality among nations, races and members of religious groups. The interpretation of the aforementioned provision of the Criminal Code of the first instance court focused on a comparison of the status of the Roma community in Slovenia and the status and protection guaranteed to the Italian and Hungarian national communities under the Constitution; however, based on the legal definition of the criminal offence, it suffices for the perpetrator to increase, through incitement, the readiness of members of any nations to attack one another or to create trouble. So, given the efforts of Roma to participate in political decision-making and the responses of the international and domestic institutions, the higher court considered that the Roma community meets the ethnicity criteria in terms of the subjective and certain objective elements. Therefore, it concluded that according to the statutory definition, an act committed against the Roma community constitutes incitement to ethnic hatred.

119. The statutory definition of incitement to ethnic hatred should be interpreted so that the differentiation according to ethnic affiliation (“us and them”) and related prejudices constitute a motive guiding the perpetrator, whose acts increase the readiness to violence. Even if an act is not directed against all members of an ethnic community and the perpetrator’s actions are aimed at a small group of people, the key question is the significance of the victims’ affiliation to another community for the emergence of the conflict.

*Judgement of the Ljubljana Higher Court, ref. No. I Kp 24633/2010<sup>7</sup>:*

120. The local court found the defendant guilty of the criminal offence of incitement to hatred, strife and intolerance, based on the violation of the principle of equality under Article 300, paragraph 1, of the Criminal Code, imposing a suspended sentence determining a three-month prison sentence with a two-year probationary period. The defendant appealed against the judgement on all grounds. The higher instance court refused the appeal as unfounded and affirmed the judgement of the first instance court. This was also a case of expression of intolerance aimed at a specific Roma family. According to the higher instance court, the Criminal Code must be interpreted in accordance with the Constitution; therefore courts must find, among the established methods of interpretation, an interpretation that yields results which comply with the Constitution. Therefore, the interpretation of the provisions of Article 300, paragraph 1, of the Criminal Code should pay due consideration to articles 63 and 14 of the Constitution of the Republic of Slovenia and ratified international instruments, and the concept of “ethnic” should be interpreted to also include communities, which in sociological terms do not have all the characteristics of a nation and are defined as ethnic communities.

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<sup>6</sup> See [http://www.sodisce.si/znanje/sodna\\_praksa/visja\\_sodisca/43159/](http://www.sodisce.si/znanje/sodna_praksa/visja_sodisca/43159/).

<sup>7</sup> See [http://www.sodisce.si/znanje/sodna\\_praksa/visja\\_sodisca/2012032113044062/](http://www.sodisce.si/znanje/sodna_praksa/visja_sodisca/2012032113044062/).

121. The year 2006 saw the adoption of the Protection of Public Order Act (Official Gazette of the Republic of Slovenia No. 70/06), which raised the fines for certain minor offences committed with a view to inciting national, racial, gender, ethnic, religious and political intolerance or intolerance based on sexual orientation. The Act also improved the monitoring of such offences. The 2010 analysis of minor and criminal offences relating to intolerance for the period 2007–2009 revealed that the number of cases was small: there were 127 cases under Article 20 (incitement to intolerance) of the Protection of Public Order Act (following this period, notably in 2010, 43 minor offences were recorded, 61 in 2011 and 56 in 2012) and 29 criminal reports were filed on the grounds of a suspected criminal offence of public incitement to hatred, violence or intolerance under Article 297 of the Criminal Code and a violation of the principle of equality under Article 131. In 2010, 34 criminal reports were filed, 44 in 2011 and 31 in 2012.

122. This analysis led to the adoption of the following recommendations, which the police take into account in the development of training and education programmes and their day-to-day work:

- It is necessary to train and educate police officers at all levels;
- It is necessary to address each security event lawfully and comprehensively;
- It is necessary to encourage tolerance through preventive action;
- It is necessary to place appropriate attention to seemingly minor criminal offences and minor offences in an effort to prevent serious crimes, following the zero-tolerance principle;
- It is necessary to encourage the most vulnerable groups to report criminal offences with elements of intolerance anonymously given their fear of consequences.

123. The police cooperate with the NGO *Spletno oko*, which notifies them of criminal offences under Article 297 of the Criminal Code. Their cooperation will be formalised in a memorandum of understanding. Cooperation with the Peace Institute and the Human Rights Ombudsman is equally important. Within the *Spletno oko* project, a proposal was made to add a special web banner on all major websites that warns about illegal activities involving content inciting intolerance and discrimination.

124. In 2010, a seminar on public incitement to hatred, violence or intolerance was organised within the *Spletno oko* project, attracting a wide range of participants (e.g. representatives of the State Prosecutor's Office, the Police, media).

125. In December 2010, six news websites and *Spletno oko* — a Slovenian hotline that allows Internet users to report hate speech and child pornography anonymously — signed the Code of Conduct on Hate Speech. Synergy of similar European projects has proven a successful measure to fight illegal Internet content. The Slovenian hotline has allowed Internet users in Slovenia to report potentially illegal content anonymously and thus increase cyber security. A dedicated forum at the Faculty of Social Sciences, which brings together many media, web administrators and the police, was created with the support of the police, a close partner of the faculty since the beginning.

126. The forum enhances public-private partnerships and cooperation between NGOs, the private sector and law enforcement agencies. It also involves legal experts, including the Office of the State Prosecutor General. At the operative level, the forum is directly connected with the police. Reviewers of Internet content forward all contentious contents to the police, which proceed in accordance with their powers and established practice. The police were actively engaged in drafting of the aforementioned Code of Conduct; they are also involved in the boards of the projects Safe.si and *Spletno oko* and the *Spletno oko* working group.

127. In order to ensure the effective investigation and prosecution of all cases involving political speech directed against minorities, which are contrary to the Convention, all activities relating to the detection and investigation of reports of such criminal offences are generally planned in cooperation with the police and the prosecutor.

128. In 2013, a special meeting was held with the State Prosecutor General's Office concerning the development of uniform standards in the processing of criminal offences that could undermine the rights of minorities, underprivileged groups and other stakeholders. The consultations focused on the differences between criminal offences involving hatred and violence, on establishing minimum evidentiary standards in investigations of criminal offences involving hate speech, and on how to best protect evidence, which can be a major challenge in such cases.

129. The police process all criminal and minor offences in terms of prevention, detection and investigation of cases of racial discrimination, irrespective of type or mode of culpability. This includes all types of attacks involving racial or discriminatory motives and other forms of discrimination which may, on the basis of given circumstances, be considered to involve such motives. Also included are written or spoken threats or insults against difference, damage to the property of the targeted group, offensive graffiti, posters, flyers or other messages, including those published in digital media, e.g. on the Internet or in other means of public information.

130. The police closely follow the trends, covering modes of culpability, tactics and methods of detection and prevention of offences. They immediately report any new trends to the prosecutor's office, and together they work on establishing an effective approach to curb these trends.

131. December 2008 saw the publication of guidelines for police officers in dealing with anonymous threats sent via the Internet or by email, which are to be used *mutatis mutandis* in the detection of criminal offences under Article 297 of the Criminal Code (public incitement to hatred, violence or intolerance). The guidelines describe in detail how to protect evidence acquired on the Internet and suggest other administrative measures that can be taken against perpetrators.

132. In November 2009, in an effort to promote the successful detection of perpetrators of such offences and evidence protection, special training was organised for police officers and uniform guidelines on investigating hate speech on the Internet were drafted. The guidelines were prepared on the basis of information from the State Prosecutor General's Office.

133. Police officers were reminded of the provisions of the Additional Protocol to the Convention on Cybercrime, which concerns the criminalisation of acts of a racist and xenophobic nature committed through computer systems, which Slovenia ratified.

134. In 2011, several expert meetings were held for the police executives responsible for police work at the local level. The participants were informed about new modes and cases of good practice, as well as clearly defined targets, including enhanced capacities to detect hate speech and all types of intolerance. Regarding the supervision of general police tasks, they were informed about the latest trends in the early detection of new forms of intolerance and in acting on first reports and evidence collection. The aim was to educate police executives that these are not insignificant, trifling criminal and minor offences, but acts that infringe the constitutional rights of marginalised groups.

135. Police officers also received additional guidelines on investigating criminal offences involving xenophobia and the violation of the principle of equality.

136. The police are aware that dealing with victims of discrimination is a sensitive matter, particularly in the interaction between police officers and victims and establishing



evidence of criminal intent. Therefore, they organised the first training aimed at educating police officers about identifying and eliminating discrimination. The idea was to particularly train police officers who are in daily contact with victims and perpetrators.

## **I. Paragraph 15: Raising public awareness of the declaration under Article 14 of the Convention**

*The Committee believes that the public should be better informed of the procedure provided under article 14 of the Convention. It suggests that the State party publicize more extensively the declaration made under article 14 of the Convention in the various languages used in the country.*

137. In 2001, Slovenia submitted a declaration recognising the competence of the Committee to receive and consider communications from individuals. The Slovenian legal order has two separate entities in the sense of Article 14 of the Convention: the Advocate of the Principle of Equality (Office for Equal Opportunities) and the Slovenian Human Rights Ombudsman.

138. Furthermore, in line with the second paragraph of the Convention and other international instruments and EU documents, Slovenia has appointed and established independent bodies tasked with receiving complaints submitted by individuals. The Human Rights Ombudsman Act establishes the function of the Human Rights Ombudsman and sets out their competences and powers in order to protect human rights and fundamental freedoms in relation to state authorities, local self-governing authorities and bearers of public authority<sup>8</sup>.

139. Human rights ombudsmen are elected by the National Assembly on the proposal of the President of the Republic. In their work, they follow the provisions of the Constitution and international instruments concerning human rights and fundamental freedoms and may invoke the principles of equality and good administration in their interventions.

140. The functions and powers of the advocate of the principle of equality are defined by the 2007 Implementation of the Principle of Equal Treatment Act (official consolidated text, Official Gazette of the Republic of Slovenia No. 93/2007). According to the Act, the advocate addresses cases of alleged discrimination in the public and private sectors. The Act clearly stipulates that the advocate is independent. The advocate is appointed by the Government of the Republic of Slovenia on the basis of an open competition.

141. Following the reorganisation of the State administration in 2012, the Office for Equal Opportunities, where the advocate had been based, was abolished. The tasks and staff, including the advocate, were transferred to the Ministry of Labour, Family and Social Affairs, which was accordingly renamed the Ministry of Labour, Family, Social Affairs and Equal Opportunities in 2013.

142. Despite these changes, the advocate's status has not changed — they are still independent according to the law. The statistics show that the advocate addressed 95 cases in 2011 and 75 in 2012.

143. In the context of the project "Equal in Diversity", which was co-funded by the European Union, a special website (zagovornik.net) was created. It is now available in several languages, including Roma, Bosnian, Croatian, Serbian, Italian and Hungarian.

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<sup>8</sup> For more on the work of the Human Rights Ombudsman, see the fifth and the combined sixth and seventh periodic reports of the Republic of Slovenia.

144. Information about the possibility of filing a complaint, discrimination and the availability of relevant legislation in multiple languages allow non-Slovene speaking groups (migrants, Roma, the two minorities) to access information about violations relating to discrimination and equal treatment as well as possible measures and the complaints procedure.

## **J. Paragraph 16: Ratification of international human rights treaties**

*Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties whose provisions have a direct bearing on the subject of racial discrimination.*

145. The Committee specifically mentions the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Slovenian national legislation provides for high standards concerning respect for the rights of migrant workers and commitments assumed on the basis of the EU *acquis* and international instruments. None of the EU member states have ratified this Convention.

146. Slovenia sees the ratification of this Convention as unnecessary, as the rights of migrants are protected under other binding human rights conventions, the EU *acquis* and national legislation. Additional protection is provided under Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of an EU Member State and on a common set of rights for third-country workers legally residing in an EU Member State.

147. According to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, Slovenia already ensures that migrant workers and their family members in the labour market enjoy respect for all the rights contained in this Convention, and thus supports its objectives.

## **K. Paragraph 17: Implementation of the Durban Declaration**

*The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.*

148. Slovenia implements national programmes for the promotion of social integration, the provision of equal opportunities, respect for cultural diversity, the elimination of discrimination and poverty, the provision of assistance to victims of discrimination and the improved situation of Roma. These programmes feature a number of activities aimed at combating prejudice and racial discrimination, promoting and upgrading non-discriminatory policies, and promoting respect for the fundamental values of cultural diversity and human rights.

149. The third session of the Inter-Ministerial Commission on Human Rights of 13 December 2013 focused on exchanging opinions with representatives of organisations of civil society working on human rights protection and the elimination of racial discrimination. In the future, this exchange will take place once a year.

## **L. Paragraph 18: Consultations with civil society organisations**

*The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.*

150. The Ministry of Foreign Affairs has a longstanding practice of communicating directly with representatives of civil society organisations working on human rights. However, if necessary, once a year it holds a meeting to present foreign policy activities concerning human rights and allow for an exchange of views on specific matters. Once a year, the Foreign Minister meets with representatives of civil society and informs them about past and future foreign policy activities.

151. As the chairing body of the newly-established Inter-Ministerial Commission on Human Rights and the coordinating authority for drafting the report on the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, the Ministry presented the drafting procedure and the possibilities to submit opinions, remarks or proposals concerning the report. The Ministry has published the draft report online and forwarded it to civil society organisations in Slovenia.

## **M. Paragraph 19: Ratification of amendments to article 8, paragraph 6, of the Convention**

*The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolution 61/148 and 63/243, in which the Assembly General strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.*

152. The Republic of Slovenia is preparing the legal bases for ratifying the amendments to article 8 of the Convention and will strive to ratify them quickly.

## **N. Paragraph 20: Availability and accessibility of Slovenia's report**

*The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicised in the official language, the language of minorities and other commonly used languages, as appropriate.*

153. The Slovenian Government has enabled online access to all ratified international human rights treaties in the Slovenian language. It has also published all reports of the Republic of Slovenia to UN treaty bodies, as well as their concluding observations made following the consideration of the reports, in the Slovenian language.

154. In 2008, the Ministry of Foreign Affairs published a book of all ratified international human rights treaties, Slovenia's reports to UN treaty bodies and their concluding observations in the Slovenian language. The book was sent to all general and certain specialised libraries and is also available on line in digital form. When it has been submitted to the UN, the present report will also be published on the Ministry's website.

**O. Paragraph 21: Updated core document**

*Noting that the State Party submitted its core document in 2004, the Committee encourages the State Party to submit an updated version in accordance with the harmonised guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3)*

155. The drafting of an updated core document of the Republic of Slovenia is underway. As the body responsible for the drafting, the Ministry of Foreign Affairs expects that the documents will be submitted to the Government of the Republic of Slovenia for approval in 2014.

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