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the success story with the aftertaste of BITTERNESS – DISCRIMINATION IN SLOVENIA

prof.dr. SILVO DEVETAK (EDIT.)

Results of International Project
»Training and Education for Combating
Discrimination in Slovenia«



COMMUNITY ACTION PROGRAMME
TO COMBAT DISCRIMINATION (2001-2006)
2007 - EUROPEAN YEAR OF EQUAL OPPORTUNITIES FOR ALL

For Diversity



Against Discrimination

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The Success Story with the Aftertaste of Bitterness - Discrimination in Slovenia

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editor's INTRODUCTION

1. Problems connected with discrimination constitute one of the basic ethical, political, social and security issues in the European Union as a whole. These issues are to be discussed most seriously and with a great deal of responsibility and long-term solutions should be sought for them, since the very efficiency of the Lisbon strategy of reaching EU goals depends on them, as stressed by the European Commission. Recently, ministers of the EU member states started a discussion about how urgent it is to prepare a foundation for prosecution and punishment of this international crime with uniform measures and within criminal laws. Here, it should be noted that this means that EU member states still do not fulfil the appropriate international commitments that mostly arise from Article 4 of the International Convention on the Elimination of All Forms of Racial (and ethnic) Discrimination from 1965, although in their reports to the contractual body that supervises implementation of the Convention they all claimed to.

Irrespective of this, proposals of amendments of the current criminal-legal arrangements of these issues, if adopted uniformly, will signify a great step forward in combating racial, ethnic, and religious discrimination among EU residents. This way they will significantly upgrade standards that the EU adopted in 2000 as directives of the Council of Ministers. The directives refer to the abolition of all types of discrimination in member states, among others those committed due to racial and ethnic origin of an individual or his or her religion. Member states are also obliged to achieve the goals of these European legal standards by adopting appropriate internal legal regulations and with other suitable measures or policies. What is also important is their duty to create opportunities wherever they still do not exist, so all those who consider themselves to be victims of discrimination have suitable legal resources to abolish injustices at disposal. States are obliged to report to the European Commission about everything, so it can in legitimate cases institute proceedings in the Court of Justice of the European Communities against states that did not fulfil their obligations.

A consortium made up of universities and other institutions from Germany, Austria, Netherlands, and Slovenia, coordinated by ISCOMET - Institute for

Ethnic and Regional Studies Maribor, was in 2004 entrusted with a task by the European Commission - to perform the two-year international project "Training and education for combating discrimination in Slovenia". During the preparation of the project we carried out numerous preliminary analyses of sociological, political, legal, and demographic views of the discussed issues in the Republic of Slovenia. We compared the results with similar situations in other EU member states. All these studies were the foundation for preparing project programmes and preliminary identification of basic problems in individual areas of its implementation. Here, a basic question was raised: does Slovenia in this respect differ from other EU member states? The answer to the question is not as simple as it might seem at first sight. All EU member states are facing problems that result from discrimination of people on racial, ethnic or religious grounds. Comparison between them is a very complex issue, though. Problems of individual states are specific and rooted in special social, political, demographic circumstances and are connected with traditional patterns of people's behaviour and social relationships. Therefore, they cannot be compared in a simplified manner. There are also differences in the mechanisms individual countries regulate those issues with. Each of them developed their own approaches of restraining the destructive impetus of these problems and, in some cases, also the systematic regulation of issues that make a suitable environment for their growing out of proportion and becoming socially dangerous.

The »consolation« we often hear, that other European countries have the same or worse problems connected with discrimination, is only partially justified. The Republic of Slovenia is, considering its smallness and political inexperience in this field as well as its geopolitical position and historical tradition, much more vulnerable to conflictive situations, which arise from discrimination of people than great countries of "mass migrations", such as France, Great Britain, Germany and others; although they face much more extensive and complex problems in multiracial and multireligious relations. However, these European countries are also barely able to control the top of the iceberg, while the huge mass under water is becoming ever bigger and not smaller.

We developed a diverse programme in the frame of our international project. The programme included »office« analyses and studies as well as operative activities connected with spreading information, relevant for the realisation of project goals. While preparing various programmes and activities, we communicated with hundreds of people from individual target groups, numerous organisations and institutions that work in these fields, state bodies, and various administrative bodies important in project execution and so on. The most important and productive were contacts with members of the most vulnerable minority groups in Slovenia. Many of them felt that for the first time somebody is interested in the problems

they face and is willing to help them in solving them.

Most of the project activities organised took place as seminars for selected organisations of target groups. Among other things we prepared international seminars for members of national communities that are not recognised by the Constitution of the Republic of Slovenia, members of national communities that are mentioned in the Constitution, judges, prosecutors and lawyers, policemen, prison wardens, customs officers, members of the Slovenian Army, officials in administrative units, employment services, social security centres, union officials, and headmasters and teachers in primary schools. We also organised an international conference on religious freedoms and discrimination of people because of their religion or belief. The closing project conference took place on 12 February 2007 in the National Council hall in Ljubljana.

2. The first contact with Slovenia makes it look like a small pastel painted box of chocolates with tasty and prettily shaped chocolates, said a foreign expert and connoisseur of our country. Part of this image are also reports about its successful economy, low inflation, introduction of the euro, the upcoming EU presidency, successful international politics, and similar reports that are daily broadcast by the Slovenian media. However, when you start eating chocolates, said the above mentioned expert, the other side of life in Slovenia begins to show. To injustices that happened after World War II are being joined by wrongs happening after gaining independence in 1991, in most cases as the result of inappropriate functioning of political power-holders.

Examples given of such injustices are: indirect and direct discrimination of Slovenian citizens of Roma origin; non-implementation of decisions of the Constitutional Court of the Republic of Slovenia in restoring the rights of the “erased people”, around 18,000 persons, members of nations and nationalities of the former Yugoslavia who were in February 1992 “erased” from the list of the new state’s citizens due to a collective administrative measure of the government without being informed or given the possibility to appeal, because for various reasons they had not acquired Slovenian citizenship by then; unsettled status, pursuant to Article 61 and 62 of the Slovenian Constitution, and human and ethnic rights of members of constitutionally unrecognised ethnic communities, members of nations of former Yugoslavia living in Slovenia; negative attitude of many residents towards Islam, which, among others, is reflected in decades of various excuses in order to prevent the building of a mosque in Ljubljana, which would be the first Islamic religious and cultural centre in Slovenia; incomplete exercising of rights, especially in the field of language, of members of two constitutionally recognised ethnic communities - Hungarian and Italian minority, to whom the “elimination” of borders between EU member states brings new development opportunities

inside the Hungarian, or Italian economical, ethnic and cultural space; stereotypical negative attitude and xenophobia of part of the population towards immigrants, which breeds prejudice towards demographical changes in the racial, ethnic, and religious structure of Slovenian population in the context of free flow of people inside the EU, which can subsequently complicate exercising of the related rights of EU citizens; stereotypes regarding behavioural patterns of other neighbouring nations, Croatians in particular, and so on.

Four interdependent basic problems show the complexity of the situation in this field:

First, there is no comprehensive training and education for tolerance, coexistence, and respect of diversity, which would be based on suitable curriculums for various levels of education.

Second, a big part of the political structure in Slovenia still has not fully grasped the meaning which the struggle for the elimination of discrimination has for strengthened stability and democracy of Slovenian society and for preservation of conditions for undisturbed development of the country. Instead of resolute public protest against discrimination phenomena, the opposite often happens; in their political ignorance they even incite intolerance of residents towards individual groups (or neighbours) in an attempt to gain votes.

Third, the government has three administrative bodies that could help in implementing the objectives of combating discrimination on ethnic and religious grounds, particularly as regards meeting the relevant EU standards. These bodies are offices for “equal opportunities”, “nationalities”, and “religious questions”. Yet, in the course of our project, we came to realise that the first office is not even qualified to perform these tasks, and the other two, despite great efforts to deal with issues they are competent for legally, administratively, and financially, do not handle matters contained in the EU directives on abolition of discrimination. It is similar with the Ministry of Labour, Family and Social Affairs that mostly deals with discrimination issues on the grounds of psychological and physical disability and similar.

Fourth, the problems dealt with in the course of our project did not get appropriate attention in the media; therefore our ideas could not have a significant effect on public opinion. The reasons for such a stance of the Slovenian media are various. The commercially focused editorial boards that have to follow the aims of media owners, do not have an interest in such questions. Most journalists are not sufficiently experienced in this field to cover it. Finally, and probably most importantly, in (realistic) fear of losing their jobs, many journalists are subject to the syndrome of self-censorship and avoid writing about topics that would not please the authorities.

3. Despite all these (and other) issues we are happy to say that we successfully

performed all our tasks that were set in the project programmes. Here are some of the most visible achievements; 1) we broke fresh ground in many areas as we were the first to speak publicly about many aspects of discrimination on ethnic and religious grounds in Slovenia; 2) the participation and cooperation between members of the most threatened groups created new opportunities for their cooperation in solving problems we meet with in our workplace and in public life; 3) in spite of encountering some difficulties, the response of state and administrative bodies to our invitations for cooperation was surprisingly good; 4) despite a certain reservation of the media towards our information, critical remarks, and proposals, we managed to prepare a half-an-hour long broadcast about project problems on television and publish an extensive interview of the project coordinator in the weekly newspaper “7 dni” published by the publishing house Večer, 5) a great number of ambassadors of EU member states in Slovenia accepted the invitation to cooperate in the closing conference of the project in the National Council of the Republic of Slovenia in Ljubljana and so on.

Also stimulative were some positive shifts we noticed while concluding the project. The parliament finally passed the so called Roma Community Act which establishes a basis for the organisation and institutional representation of the Roma community. The government notified Member of Parliament Potrata, who forwarded our proposal, that proceedings for the ratification of the Protocol 12 Convention for the Protection of Human Rights and Fundamental Freedoms are to be commenced, which opens new opportunities for the protection of victims of discrimination before the European Court of Human Rights. In response to the results of our project the Human Rights Ombudsman, with whom we developed a genuine cooperation while carrying out the project, established a special department for the discrimination issue. The Ministry of Education has adopted two teaching programmes for teaching Serbian and Macedonian languages which will be optional subjects in the last three years of elementary school in the next school year (studying options: one, two, or three years). According to the Ministry’s information, such a programme, which was adopted a few years ago, was selected by 250 pupils throughout the schools in Slovenia.

The government is unfortunately trying to solve the problem (again) of the “erased” by adopting a special constitutional act which would enable the government to circumvent the execution of the relevant ruling of the Constitutional Court on restoring the status to the persons formerly “erased” by administrative measure. Some of the representatives of the government are trying to justify this by appraising the political views on Slovenia’s process of gaining independence held by certain persons affected, which further complicates solving of this burning issue. The Slovenian government thus acts similarly to the Corinthian Federal

Governor Haider in Austria who uses political “arguments” to prevent the execution of the rulings of the Austrian Constitutional Court on bilingual topographic signs in the nationally mixed area in Carinthia. The present government, which mustered the required majority by accentuating this issue at the last elections, should solve this issue which is already internationalised and causing tremendous damage to the international reputation of the Republic of Slovenia in a time preceding its presidency to the EU in 2008.

4. Due to the large scope of the project, the decision which issues should be given particular attention in this closing publication has been very difficult. After much consideration the following structure of the book was decided on.

In the first part, Jasmina Klojčnik, the co-manager of the project, and Franc Mlinar briefly outlined the activities and outcomes of this international project.

In the second, more extensive part of the book, based on the assessment that discrimination is an existing problem in the Republic of Slovenia, the aim was to substantiate this assertion in a concise manner. First, Prof. Silvo Devetak, the coordinator of the international project, states that discrimination on ethnic and religious grounds is a moral, political and security issue concerning the development of Slovenia. Franc Mlinar, MA, presents the answers and opinions of those participating in project activities about their experience with the problem of discrimination. Prof. Zlatko Dežman discusses prejudices and their discriminatory significance while expressing doubt in the feasibility of eradicating this evil from society merely by repressive measures. Prof. Šime Ivanjko discusses the unresolved issues of the members of newly formed minorities related to learning their mother tongue and development of their own culture. He also defends dialogue as the most effective way to tackle these issues. Assist. Prof. Klara S. Ermenc in her analytical and fact-supported text discusses the deficiencies of education for coexistence in primary school curriculums under a provocative title proposing that such education is possible only as a teacher’s subversive activity. Dr. Anja Zalta critically presents the attitude of Slovene population towards Islam and speaks up for positive changes in Slovenian society in this respect. Urška Skok, MSc, analyses the comments and recommendations of the international contracting bodies in regard to the implementation of standards on human rights and discrimination in Slovenia. In the final section of the book Tomaž Klenovšek, MSc, reports about the interviews with the seminar participants on discrimination issues; his findings are supported with several theoretical views of these issues (his comprehensive report on the analysis of the responses in these interviews is published in Annex 1 to the book).

The third part of the book comprises of the examples of “good practice”

in the Republic of Slovenia. First, Dr. Vera Klopčič establishes that intercultural dialogue, respect for differences and tolerance are the basic conditions for creating equal opportunities in Slovenian society. In the following part Franc Mlinar, MA, summarizes the cases of “good practice”, presented in the project activities by the representatives of the Slovenian Human Rights Ombudsman Office, social security centres, employment agencies, several elementary schools with ethnically mixed pupils, the police, prison wardens, the Slovenian Army and organisations for voluntary work in related areas.

In the fourth part of the book Assist. Prof. Jasna Murgel discusses the deficient procedures for the protection of the rights that victims of discrimination have in the Slovenian legal system, which means that Slovenia has not fully met its obligations in this area as specified by the Directives of the EU Council of Ministers of 2000.

The fifth part of the book contains six substantiated recommendations to the Republic of Slovenia on action to be taken in different areas to eliminate incidents of discrimination on ethnic and religious grounds. In the first two recommendations, we propose the establishment of a programme for fighting discrimination and for harmonisation of Slovenian legislation with EU norms. In the third part, we demonstrate the necessity of education and schooling for fighting against discrimination and for the respect of equality based on diversity of the Slovenian society. In the fourth part, we propose further training of the members of the police force for work in this area. The fifth part, which concerns the international cooperation of Slovenia, suggests promoting various contacts and forms of cooperation between various Slovenian institutions and youth organisations with their counterparts in neighbouring countries, which could significantly contribute to the elimination of stereotypes and negative phenomena, especially in the relations between Slovenia and Croatia. In the sixth part, the statement is made that in the period before taking on the presidency of the EU in 2008 much could be made to enhance the credibility of the related international programmes and the reputation of Slovenia by resolving the following issues: 1) regulation of language rights and cultural development of members of constitutionally unrecognised minorities in accordance with Articles 61 and 62 of the Constitution; 2) inclusion of representatives of the Roma community in decision-making regarding social and economic, urban design and similar programmes on all levels and especially regarding preparation of the act on the Roma community; 3) definitive restoration of the rights taken away from the “erased” by the government by an administrative measure in 1992; 4) taking all necessary steps to build a mosque, which would confirm the equality of Slovenian citizens of Islamic faith.

The three annexes include reports and conclusions on interviews carried out in individual seminars, a presentation of ISCOMET’s coordinator of the

international project and useful contacts and information sources.

5. All problems related to discrimination on ethnic and religious grounds hold up a mirror in which Slovenia of 2007 is reflected - in the European year of equal opportunities for all. Sadly, all Slovenia's achievements in other areas are unable to offset this tarnished image. The organisers of the project approached it with a wish to help the governing bodies in Slovenia solve discrimination-related problems which can pose serious obstacle to Slovenia's development and its international standing and lead to instability of the country in the right domestic and international circumstances. Being a non-governmental organisation with only a small number of collaborators, we cannot make changes. We can only spread information and knowledge as well as recommend various solutions. This is exactly what we have done, among other things by addressing six recommendations to the governing structures in Slovenia, the implementation of which would significantly improve the conditions in the relevant area. It is our sincere desire, using the above mentioned metaphor, for the "Slovenian box of chocolates" to remain beautiful and attractive even when all the chocolates are eaten.



Prof.Dr. Silvo Devetak,
Editor in Chief and Project Coordinator

INTERNATIONAL PROJECT
»TRAINING AND EDUCATION FOR
COMBATING DISCRIMINATION IN SLOVENIA«



Working atmosphere at the Concluding conference, Ljubljana, 12 February 2007



Ambassadors of Hungary (third from the left, the others in a row to the right), Great Britain and Northern Ireland, Netherlands Belgium, Czech Republic to the Republic of Slovenia, Concluding conference, Ljubljana, 12 February 2007

PRESENTATION OF THE PROJECT ACTIVITIES AND RESULTS

I. EUROPEAN PROGRAMME FOR THE FIGHT AGAINST DISCRIMINATION

The activities in the framework of the Project “Training and Education for Combating Discrimination in Slovenia” began to unfold in the beginning of the year 2005 and came to the end in February 2007. The Project outline was being prepared in the beginning of 2004, still in the time before Slovenia was accepted into the EU; however, already at that time it was clear that Slovenia will with the EU membership have to take active part in the various activities aimed at fighting discrimination in its society. The Project “Training and Education for Combating Discrimination in Slovenia” was accepted by the European Commission into financing in the framework of the “Community Action Programme to Combat Discrimination”, which represented the reference framework for integral activities of the EU in the field of the fight against discrimination in the period 2000 - 2006. EU Action Programme was managed and coordinated by the Directorate General for Employment, Social Affairs and Equal Opportunities and was designed to support effective implementation of the new anti-discrimination legislation, which was in the form of the directives accepted unanimously by the Council in the year 2000. The programme was addressing all those, who can contribute to the shaping of adequate and effective anti-discrimination legal provisions and policies in the EU 25, EFTA and candidate countries space.

The Action Programme had three main objectives. These are:

1. To improve understanding of issues related to discrimination
2. To develop the capacity to tackle discrimination effectively
3. To promote values underlying the fight against discrimination

For more information see:

http://europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm

The Project “Training and Education to Combat Discrimination in Slovenia” was in the year 2004 submitted to the call of proposals in the framework of the EU Action Programme and the Project received the green light together with other Project from various countries, however it was the only Project

being coordinated by the institution coming from one of the 10 new members states (2004 enlargement). In this way Slovenia participated in the EU Action Programme on equal foot with the old members. The EU Action programme was concluded in 2006; however this does not end the efforts to fight discrimination in the European society. On the contrary, the endeavours in this field are strengthening. The year 2007 is proclaimed as the Year of Equal Opportunities for All and Slovenia should strive to create equal opportunities for all the people living in our country, so that every individual gets equal possibilities for his/her personal development and social advancement irrespective of his/her ethnic or religious origin, physical or mental ability, gender, age, sexual orientation and similar.

II. PROJECT ORGANISATIONAL AND PROGRAMME FRAMEWORK

II.1. PROJECT CONSORTIUM

The Project “Training and Education for Combating Discrimination” was prepared as an international project; the role of the coordinating organisation was assumed by ISCOMET - Institute for Ethnic and Regional Studies from Maribor. The Programme coordination was conducted by Prof.Dr. Silvo Devetak; his main expert assistance was offered by Professor Gerard Rowe from the European University Viadrina from Frankfurt/O. Invited to become members of the Project Consortium were five academic institutions from Austria, Germany, the Netherlands and Slovenia; the representatives of these institutions were also members of the Project International Programme Council: Prof. Dr. Wolfram Karl, Director of the Austrian Institute for Human Rights, Prof. Dr. Thomas Bremer, Director of the Ecumenical Institute of the University in Münster in Germany and Prof.Dr. Math Northmann from the Faculty of Law of the Rotterdam Erasmus University. Two Slovenian members of the Project programme council were Dr. Vera Klopčič and Prof.Dr. Sergej Flere. Several other experts from Slovenia and other European countries were drawn in the elaboration of specific contents and studies in the course of the Project implementation. The assistance to the coordination and management of the Project was offered by Franc Mlinar, MA and Jasmina Klotčnik.

II.2. PROJECT PURPOSE AND OBJECTIVES

The main purpose of our activities was to open wide social discussion on the issue of discrimination in Slovenia, whereby we derived from the standpoint that the existence of the “visible” and “hidden” discrimination in one society can represent the source of its instability. With the Project we, thus, aimed to contribute to the recognition of this problem in the Slovenian society and to the

elimination of the situations, which are connected to the unequal treatment of persons on the basis of their race, ethnic origin or religion or belief and in this way to contribute to the stability of Slovenia and to its affirmation in the new European surrounding and in the world as such. In this framework the Project had the following specific objectives:

- To increase the understanding of the inhabitants of Slovenia about the purpose and objectives of the EU Action Programme to fight discrimination and to raise their awareness about the necessity of such activities;
- To support the existing endeavours in the Republic of Slovenia - the Office for Equal Opportunities, the Ombudsman and other - for efficient implementation of the EU Directives on discrimination (2000) and for elimination of any kind of forms of discrimination on the basis of race, ethnic and/or religious origin and belief;
- To increase the efficiency of the jurisdiction organs and members of other target groups included into the Project (public administration, police, army units, warders etc) for efficient implementation of the EU Directives;
- To elaborate the analysis of opinions and standpoints of the persons included into the Project activities about the questions of discrimination and especially the ways and means for improvement of the situation in Slovenia;
- To draw attention to the deficiencies and to propose the improvement of the measures to fight discrimination in Slovenia, especially with elimination of the causes for its appearance;
- To assure the continuation of the activities also after the Project ends, among other through establishment of the national network for the fight against discrimination and with its inclusion into the adequate European networks;
- Special attention was in the framework of the Project devoted to those groups, which are the most probable and most frequent victims of the discriminatory treatment. These are Roma, members of the Hungarian and Italian ethnic minority and of the constitutionally non-recognised ethnic groups, as are Croats, Serbs, Bosnians, Macedonians, Montenegrins, Muslims, German speaking community and other smaller communities.

Our main guidance, when we designed the Project activity plan, was to leave a trace in the Slovenian society, which will remain present also after the Project closes its official frame. To this end was the first objective to bring the voice about the forms of discrimination and ways for its elimination among the target groups and also wider Slovenian public; the second objective was to give certain forms of discrimination an expert frame through preparation of studies and expert publications; and the third objective was to prepare clear, easily understood and efficient information for the recognition of discrimination and for search for the ways for its elimination.

III. Programme of activities

Due to such set objectives we have carried through the following activities:

III.1. seminar activities

All the seminars, except for the last conference on religious freedoms (held in Hotel Habakuk in Maribor), were held in the stimulative surrounding of the Grand Hotel in Rogaška Slatina. The seminars were prepared as discussion round tables, intended foremost to the exchange of information: we have informed our participants about the existing mechanisms for the fight against discrimination, be it international or domestic, and about the ways and means for its prevention; however at the same time our participants were encouraged to share with us their own experiences.

Each seminar hosted also guests from abroad, who presented to us, as a contribution to our discussions and for further deliberation, cases and modes of functioning from their own surrounding. Thus, we have, besides our project expert collaborators from the International programme council, invited to the seminars also representatives of the various governmental bodies (e.g. from the Commission for Human Rights with the Austrian Ministry of Interior and from the Ministry of Labour of the Republic of Macedonia, which implements special programme for the integration of Roma) and the representatives of the international non-governmental organisations; let us mention the European Centre for the Roma Rights from Budapest, who took part at three our seminars and ZARA - non-governmental organisation with the seat in Vienna, which deals with legal representation of the victims of discrimination. ZARA representatives participated at three seminars as well.

As a general conclusion we would like to mention that all seminars in general and each in particular were very interesting encounters; many questions were opened, many information exchanged and the participants as well as we, the organisers, have from the seminars brought new cognitions and experiences.

At these occasions also many proposals for improvement of the situation in the field of implementation of the principle of equal treatment in Slovenia were heard, which can certainly serve as useful programme guiding lines for formation of adequate policies and measures in Slovenia in the future. The majority of the seminar participants, be it from the so called vulnerable groups, or from the groups who can in their everyday work confront discrimination or can through their work cause discriminatory behaviour, have expressed their conviction that such discussions are very useful and have called upon the continuation of the as wide as possible social dialogue about these questions in Slovenia.

In this place we would like to express a commendation to the Ombudsman of the Republic of Slovenia, who have, among all the bodies responsible for dealing with discrimination, responded most actively to our invitations for cooperation. The representatives of the Ombudsman of the Republic of Slovenia have in all the

seminars presented examples of unequal treatment that they handled from the field of a certain seminar. From these presentations one could draw a conclusion that there are relatively few cases in Slovenia which would be directly linked to discrimination because of ethnic or religious origin; however this impression is probably wrong.

The fact that such cases, which are reported to the relevant bodies, are few in number can probably be subscribed to the non-awareness about the existence of the principle of prohibition of discrimination among the members of the vulnerable groups. It is certain that all the cases of discriminatory behaviour are not reported and persons, who have in spite of all decided to report their case to the adequate body, confront many difficulties in their way to claim their right to equal treatment. The causes for this are many folded: the discriminatory treatment is usually covered with some other reasons; and at the same time among the potentially discriminated groups a lack of will and motive is present on many occasions to enter the fight with the system rules because the mechanisms and procedures, which exist in Slovenia, don't show particular efficiency in protection of these persons. As already mentioned, represents the Ombudsman of the Republic of Slovenia as to its activeness and zeal a bright exception.

In the Project two-year action plan we have carried out six seminars or round tables, one international conference and a concluding conference, which are chronologically being presented in the box bellow.

2005

SEMINAR FOR MINORITIES, WHICH ARE RECOGNISED BY THE CONSTITUTION

Grand Hotel Rogaška, Rogaška Slatina, 13 - 14 May 2005

SEMINAR FOR MINORITIES, WHICH ARE RECOGNISED BY THE CONSTITUTION

Grand Hotel Rogaška, Rogaška Slatina, 1 - 2 July 2005

SEMINAR FOR JUDGES, PUBLIC PROSECUTORS AND ATTORNEYS-AT-LAW

Grand Hotel Rogaška, Rogaška Slatina, 20-21 October 2005

SEMINAR FOR POLICEMEN, PRISON WARDERS, CUSTOMS OFFICERS, AND SOLDIERS

OF THE SLOVENIAN ARMY

Grand Hotel Rogaška, Rogaška Slatina, 17-18 November 2005

2006

DISCRIMINATION IN EMPLOYMENT -LEGAL PROTECTION AND PROBLEMS IN THE REPUBLIC OF SLOVENIA

Grand Hotel Rogaška, Rogaška Slatina, 15-16 May 2006

UP-BRINGING AND EDUCATION FOR THE LIFE IN MULTICULTURAL SOCIETIES - THE CASE OF SLOVENIA

Grand Hotel Rogaška, Rogaška Slatina, 22-23 June 2006

International Conference

RELIGIOUS FREEDOMS AND DISCRIMINATION OF PEOPLE ON THE GROUNDS OF THEIR RELIGION OR BELIEF

Hotel Habakuk, Maribor, 10-11 October 2006

2007

CONCLUDING CONFERENCE OF THE PROJECT

Hall of the State Council of the Republic of Slovenia, Ljubljana, 12 February 2007

We gathered at the round table for the first time in May 2005 with members of the so-called “non-recognised” ethnic communities in Slovenia, this means those, which are not mentioned in the Constitution of the Republic of Slovenia and as such don’t enjoy any special legal protection. The interesting discussion opened the most crucial problems, as are the “erased”, the construction of the mosque in Ljubljana, financing of the cultural organisations of these communities, the question of preservation of the linguistic and cultural identity of their members, especially children, and other problems. The members of these ethnic communities revealed in the discussion that they have, when they had exposed their ethnic or religious origin, in different situations confronted unequal treatment, be it from the side of the majority population or different institutions.

The second seminar took place in the beginning of July 2005 and invited were members of minorities, which are mentioned by the Constitution of the Republic of Slovenia; these are Hungarian and Italian minority and the Roma ethnic community. In this place we have to say that the members of the Italian minority, as the only one of all the target groups embraced in our Project, didn’t show any particular interest to participate in the discussion and did not attend the seminar. The members of the Hungarian minority stressed their contentment with the majority of the implemented protection measures; they have, however, exposed the problem of the economic and social weakness of the Prekmurje region, which is weakening also their ethnic community because many young people are moving out of the region. The members of the Roma community from Dolenjska region have first of all exposed the lack of understanding and the lack of acceptance of their diversity from the side of the majority population in the surroundings where they live. The participants of the seminar have, even before the official premiere, had the opportunity

to watch the documentary filmed by the author Filip Robar Dorin with the title “Aven Chavora - Come children”, which tells about the atmosphere of intolerance and non-understanding among the majority population and the members of the Roma community in Dolenjska region.

The third seminar took place in October 2005 and we invited to the discussion workers from the judicial system. Presented were members from the circles of prosecutors, lawyers and judges and the discussion demonstrated that the judicial practice in Slovenia is in the field of processing the cases of discrimination still in early stages. The advancement in this field is by all means crucial, as the development of the judicial practice can consequently increase the confidence in the functioning of the judicial system in protection against discrimination.

The fourth seminar was in the year 2005 organised in November. Representatives of the police, prison warders, customs and members of the chosen military units gathered around the table. In a very stimulating two-day discussion we heard examples of positive practice in the work of these services with vulnerable groups. All that was heard cannot be repeated on this spot; however as an example of the positive practice we would like to mention the programme of training of police workers for the work in the areas in Dolenjska region, where the members of the Roma community reside. The participants of the seminar expressed their interest for further activities, which would their workers assist in treating persons, who are of different racial, ethnic or religious origin.

We continued with the seminars in the year 2006 in the month of May, when we prepared the fifth seminar in a row on the issue of discrimination in employment. The seminar participants came from the employment agencies, centres for social work, administration units and trade unions. Equal treatment in the field of employment is certainly one of more important fields of social life, which demands special treatment, as the employment of course represents the economic existence of all people; and so is also for those persons who differ from the majority in this or the other way. In the discussion we have heard many cases of ignorance of the employers towards persons, who are of different ethnic origin. The employers try to adjust already the conditions of the employment advertisements in order to exclude such persons from competing for the job. Further, they conceal their resistance to employ a certain person of different ethnic origin (in a minor percentage also of other religion or belief) with many reasons. Especially exposed to unequal treatment in the field of employment are the Roma people.

In June 2006 we gathered in Rogaška Slatina with the aim to discuss the importance of the up-bringing and education for living in a multi-cultural society. The two-day discussion circled around interesting and important questions about the importance of integrating children, who are of different ethnic, linguistic or religious background into the education system in our schools and about the up-bringing of our youngest for acceptance of otherness. It is certain that a tolerant society of tomorrow starts to be built-up with our

children. We would herewith like to expose the positive example of the primary school Janko Padežnik from Maribor, who are very active in integrating Roma children into the education process and social life in their school.

In October we organised an international conference, this time in the Hotel Habakuk in Maribor, on the issue of religious freedoms and discrimination of persons on the ground of their religion or belief. The Conference was jointly convoked by the ISCOMET Institute, the Ombudsman of the Republic of Slovenia and the Institute for Human Rights Ludvik Boltzman. Present were members of 15 religious communities from Slovenia, from the biggest to the smallest ones. The conference brought a very interesting discussion on the issue, whether the society is entitled to set certain limits in using the symbols of religious adherence of an individual (for example the Saturday work of members of certain religious groups, where Saturday is the day of worship and repose) and other issues related to freedom of religious expression. The discussion brought also critical remarks as to the new Law on religious communities in Slovenia, which poses to smaller groups very difficult conditions for registration and financing of their functioning. The members of the conference called upon greater respect of original religious moral, which is common to all confessions, and this means more tolerance, love and understanding.

On 12 February 2007 the Concluding Conference of the Project was held in the premises of the State Council of the Republic of Slovenia in Ljubljana. The Conference was widely attended; present were members of all target groups included into the Project programme, representatives of Slovenian governmental bodies, public institutions, trade unions, representatives of other countries in Slovenia and other. There was an important response from the Roma community to our invitation; eleven out of nineteen Roma councillors from the local communities were present. They took the opportunity to share with the audience their views on the cohabitation in the Slovenian society, which was best rounded up by the anecdote told by the president of the Roma Councillors Forum, Mr. Darko Rudaš: "The authorities say we are Roma, the majority population says we are gipsies, we for us alone say that we are citizens of the Republic of Slovenia. Who are we in reality?". The Roma councillors presented also their support to the government for the endeavours to prepare the Framework Roma Community Act; at the same time they presented also some critical remarks to its draft. This Act was later adopted in the parliament on 30 March 2007. At the closure of the Concluding conference the audience adopted the draft of the six recommendations for improvement of the situation in the field of equal treatment in Slovenia, which were prepared by the Project programme council. The audience expressed their wish that these are transmitted widely to the the Slovenian and international political structures and expert public. The recommendations were, consequently, after the Conference disseminated and draw important attention of relevant Slovenian and still especially international bodies.

III.2. PUBLIC OPINION SURVEY ON EXPERIENCES CONNECTED WITH UNEQUAL TREATMENT

One of the objectives of the Project was, besides the opening of the debate on discrimination in Slovenian society and to inform the target groups about the activities for the fight against discrimination, also to encourage persons to tell us in anonymous interviews their potential experiences with unequal treatment, which occurred because of their ethnic or religious origin. This part of the Project was managed and guided by our colleague Tomaž Klenovšek, MA. In spite of the fact that such a small sample, as was captured by our Project, doesn't allow to draw general conclusions for the whole population of target groups; we can still assert that the members of the ethnic or/and religious minority groups in Slovenia on many occasions do confront unequal treatment in this or the other way. At the same time the representatives of the public administration, education system, police, army forces, customs, judiciary system and other services expressed their opinion that the information received through our activities brought new knowledge to them and will certainly be useful for their further work. More about this activity is to be found in the continuation of this publication.

III.3. EXPERT STUDY WORK AND PUBLICATIONS

The execution of the Project involved a lot of expert study and analytical work, which was necessary background for preparation of the programme of work and for execution of single Project activities. For each Project field, which had been discussed at the seminars, the expert base was prepared, adjusted to particular target groups.

In the action plan two expert publications were prepared: the first was published in 2005 under the title: *"Discrimination on Ethnic and Religious Grounds in Slovenia"*. The publication is bilingual, published in Slovenian and English language and discusses the situation in Slovenia in the field of unequal treatment of persons with regard to their ethnic and/or religious origin. Professor Devetak in his introductory contribution positively responds to the question from the title of the contribution: "Is the discrimination in Slovenia not only legal-moral but also a political and security problem?". Franc Mlinar, MA, summarises the observations and suggestions of the members of the constitutionally "non-recognised" and "recognised" ethnic communities in Slovenia, who were participants of our seminars. Tomaž Klenovšek, MA, in continuation presents some personal experiences of these persons regarding the unequal treatment. Boštjan Vernik from the Ombudsman Office speaks about the suspicions of racial, ethnic and religious discrimination, with which the Ombudsman of the Republic of Slovenia was confronted. Darja Škodnik, MA prepared the overview of opinions and recommendations of the UN

Human Rights and Racial Discrimination committees regarding the situation in Slovenia; while Ferenc Hajos presents the stand of the Council of Europe about the implementation of the Framework Convention for the Protection of National Minorities Provisions in the Republic of Slovenia. In continuation the publication brings also the relevant (critical) parts of the follow-up report of the Council of Europe Commissioner for Human Rights on Slovenia (for the period 2003-2005). At the end the publication brings a short presentation of the Project and selection of useful addresses for all, who seek information on international and domestic bodies and institutions, who deal with the issues of unequal treatment.

“Guide Across the Rights of Victims of Discrimination on Ethnic and Religious Grounds in Slovenia” was prepared by our collaborator, Doc.Dr. Jasna Murgel. The Guide will undoubtedly represent a valuable assistance to all those in Slovenia, who seek protection against discrimination in Slovenia and also for those who would due to the nature of their work wish to receive more information about the contents and legal aspects of the prohibition of discrimination in order to be able to avoid such behaviour (also unintentional) in their work. The Guide includes the definition of discrimination, short description of the regulation of prohibition of discrimination, procedures for protection against discrimination in Slovenia; legal possibilities designed to assist victims of discrimination; and at the end of the publication also useful contacts of bodies, institutions and governmental and non-governmental organisations, who can be of help to those who seek protection against discrimination.

PROJECT PUBLICATIONS

Are You treated Equally Regardless of Your Nationality or Faith?, Editor in Chief: Prof.Dr. Silvo Devetak. Maribor: 2005. Brochure printed in Slovenian and eight languages of minority ethnic communities in Slovenia

Discrimination on Ethnic and Religious Grounds in Slovenia, Editor in Chief: Prof.Dr. Silvo Devetak. Maribor: 2005. Publication printed in Slovenian and English language

Guide across the Rights of Victims of Discrimination on Ethnic and Religious Grounds in Slovenia, Editor in Chief: Prof.Dr. Silvo Devetak. Maribor: 2007. Publication printed in Slovenian language

Success Story with the Aftertaste of Bitterness - Discrimination in Slovenia, Editor in Chief: Prof.Dr. Silvo Devetak. Maribor: 2007. Publication printed in Slovenian and English language

4. INFORMATION DISSEMINATION AMONG THE TARGET GROUPS AND THE WIDER PUBLIC

One of important objectives of the Project was information dissemination about the problems of equal treatment among the target groups and among the wider public as well. In the beginning of the Project an internet-site was set-up, which was throughout the Project regularly up-graded and up-dated with new information. So are available on the internet all the details about the Project and its results. Accessible are also information about international and Slovenian standards affecting the fight against discrimination and possibilities for legal protection of victims of discrimination. The reader is invited to enter the virtual world of the Project on: www.ISCOMET.org.

The information brochure *“Are You treated Equally Regardless of Your Nationality or Faith?”* was prepared in printed form with the objective to prepare transparent and short presentation of the discrimination issue and the instructions for protection against discrimination, which were to be adjusted as much as possible to the needs of the vulnerable target groups in Slovenia. The brochure was translated into eight languages of the ethnic communities, which live in Slovenia; namely into: Albanian, Bosnian, Croatian, German, Hungarian, Italian, Macedonian and Serbian language. Unfortunately, in spite of sincere efforts, it was not possible to find an adequate way to translate the brochure also into one of the variants of Roma language, which are in use in Slovenia. The brochure was widely disseminated among the target groups and within the librarian system in Slovenia.

Important emphasis was throughout the Project devoted to dissemination of information on the Project activities also in the printed and electronic media in Slovenia.

a Look ahead

From the beginning of the Project implementation on, we bear in mind that the activities foreseen within this Project action plan are only the beginning and that our involvement into the field of non-discrimination should continue also after the Project ends. We have thus, build strong connections with vital stakeholders in Slovenia and in the international surrounding, with whom we have developed a platform for further activities. Some follow-up activities have already evolved into the phase of implementation and the others are under preparation.

At the end of more than two-year work in the framework of the Project we are glad to be able to conclude that a lot has been done; information on the issue of discrimination have touched many people; the noxious effects of these phenomena were presented to the wider audience in Slovenia. With activities we have joined the international network of efforts to fight these negative

social tendencies in the wider European surrounding. However, in spite of all this, the work to fight discrimination in Slovenia is by far not concluded and demands a permanent and systematic approach. For conclusion we would like to express our expectation that the Slovenian government will recognise the importance of the fight against discrimination and devote more attention to the elaboration of programmes and measures to fight these phenomena. We wish that the year 2007, which was proclaimed as the “European Year of Equal Opportunities for All”, would already bring positive changes in this regard.



Prof. Dr. Silvo Devetak, Project Co-ordinator, and Mr. Matjaž Hanžek, Human Rights Ombudsman in Slovenia, in a lively conversation at the Concluding conference, Ljubljana, 12 February 2007



Zlata Fon, International School of the Golden Rosycross and Maja Blatnik, Community for Krishna Consciousness, Conference on religious freedoms, Maribor, 10 - 11 October 2006

part two

DISCRIMINATION IS a PRESENT PROBLEM IN THE REPUBLIC of slovenia

Representatives of Roma councillors in discussion at the Concluding conference, Ljubljana, 12 February 2007



Representatives of the Slovenian Army units at the Concluding conference, Ljubljana, 12 February 2007



DISCRIMINATION ON ETHNIC AND RELIGIOUS GROUNDS – a moral, political and security dilemma CONCERNING THE DEVELOPMENT OF SLOVENIA

The existence of discrimination phenomena on the grounds of ethnic origin or religious beliefs in the Republic of Slovenia as well as other European Union States, represents not only a legal and moral issue but also a latent political and security-related problem.

1. Slovenian society is sitting on »political and social time bombs« which are indirectly or directly related to the problem of discrimination, the most pressing of which are:
 - direct and indirect discrimination of Slovene citizens of Roma origin, their status not being settled according to the Constitution, racist behaviour towards them by the majority of population and so on; all this only confirming the government's ineffectuality in this field after the year 1991;
 - the failure to enforce the decisions of the Constitutional Court of the Republic of Slovenia regarding the rights of the "erased" persons, that is around 18,000 members of nations and nationalities of the former Yugoslavia, which were in February 1992 by an administrative measure of the government "erased" from the list of the citizens of the newly-formed country without being given any prior notice or chance of appeal, since they, due to various reasons, had not yet secured Slovene citizenship;
 - unsettled legal status on the basis of Articles 61 and 62 of the Slovene Constitution and the resulting human and national rights of the members of constitutionally unrecognized ethnic communities living in Slovenia;
 - negative attitude of part of the population towards Islam, evident among other things from decades of obstructing, by using various excuses, the building of a mosque in Ljubljana that would become the first Islamic religious and culture centre in the Republic of Slovenia;
 - the likelihood of confrontations in the Slovene political arena has increased due to the passing of the politically extremely sensitive Religious Communities Act by minimum parliamentary majority despite opposition from the National Council and obstruction of all opposition parties and one ruling party;

- incomplete exercising of rights, especially in the area of language, of members of two constitutionally recognized ethnic communities, namely Hungarian and Italian minorities, which may expect new opportunities for development "within" the Hungarian or Italian economic, ethnic and cultural space with the "elimination" of borders between EU member states;
- stereotypically negative and xenophobic attitude of part of the population towards immigrants, which fosters prejudice concerning demographic changes in the racial, ethnic and religious structure of the Slovenian population in the context of free flow of people within the EU, which could subsequently complicate the exercising of related rights of EU citizens.

Intentional or spontaneous sudden straining or politicisation of these problems, in combination with other political or social issues, could, in the right local and international circumstances, easily undermine the stability of Slovenian society. For example, the problems concerning the Roma family Strojani have shown that governmental bodies and offices are not sufficiently qualified either to control or resolve suchlike problems.

From an international perspective such conflictive situations related to discrimination can be particularly disturbing in the time of Europe's expansion towards the west Balkan, which is politically, economically and strategically a very important yet highly sensitive territory for Slovenia. Such questions make Slovenia even more vulnerable and shall further make it so during its presidency of the EU in the year 2008.

2. All warnings and advice of nongovernmental organizations, other entities of civil society and reputable international professional and political institutions have so far had little effect on how the above mentioned problems, related to discrimination, are handled. The problems are rooted deep in the fabric of society. The biggest threat to the »rule of law« in a society is the situation where an obvious case of discrimination continues without obstruction or punishment and is accepted by »popular opinion« as »proper«, which in a populist and self-willed way blurs the line between »law« and »lawlessness«, in favour of the latter of course. The distinction between the "lawful" and "unlawful" is in danger especially when such patterns appear in the political activity of parties. They are mostly due to the aspirations of politicians to obtain power by exploiting and encouraging nationalistic or racist feelings of their constituency towards individual minority communities or groups of people, which differ from the average; or towards neighbouring countries by spreading ungrounded "facts", which encourage discriminatory treatment of those affected. Although such politicians justify themselves as defending »national interests«, their actions, quite to the contrary, are detrimental to the interests of

the Slovenian nation and Slovenia.

Those public media that try loyally to adhere to the taste of politicians or have no ethical criteria of their own also contribute to the formation of the discriminatory attitude of the population towards individual groups of people within Slovenia or its neighbours. This relationship is manifest in stereotypes such as: “the ‘erased’ persons are traitors of Slovenia, greedy for large damages”, “members of the Italian and Hungarian communities are privileged and have among other things ‘double’ voting rights, which is discriminatory to the members of the ethnic majority”, “the Roma people violate laws and stir conflicts, mostly live on (unjustified) benefits and are not willing to get assimilated into the ethnic majority”, “members of nations of the former Yugoslavia are not willing to assimilate into the Slovene society and demand some sort of privileges”.

Regarding the behavioural patterns of members of the neighbouring nations, mostly Croatians, the following stereotypes are common in the public: “they do not respect multilateral agreements”, “they usurp jurisdiction over Slovenian territory and sea” and similar. Individual Slovenian politics, including the Minister of Foreign Affairs, encourage these stereotypes or even call for (or assent to) acts of retorsion against Croatia (appeals to Slovenians not to spend their vacation in Croatia, threatening Croatia with a referendum on its membership in the EU, and so on).

Experience from history has shown that it takes little effort, especially when having control over television, to spread nationalistic, xenophobic and similar ideas among uneducated and socially threatened or ideologically and politically manipulated people in order to obtain their votes. Problems will start emerging when the right circumstances allow such ideas to grow out of proportion until they can no longer be controlled and will carry on their destructive socio-political »mission«. Political parties, especially those having no deep principles of political philosophy will be happy to lend an ear to the »people’s will« in order to win the favour of voters. The vicious circle, which underlies the very notions such as nationalism, xenophobia and similar negative social phenomena, is thus complete. Such circumstances may be fertile ground for the development of nondemocratic, absolutist forms of government in a society.

The “consolation”, which may often be heard, of other European countries having the same or even graver problems concerning discrimination is thus only partially justified. The Republic of Slovenia is, both regarding its relative smallness and political inexperience in this field as well as its geopolitical position and history much more susceptible to conflictive situations arising from discrimination than big countries of “mass migrations” such as France, Great Britain, Germany

and similar, although the latter are facing far greater and more complex issues concerning multiracial and multi-religious relationships. However, even these European countries are barely managing to control the tip of the iceberg, while its huge mass underwater keeps growing instead of shrinking.

This makes problems related to discrimination one of the fundamental ethical, political, social, and security problems for the EU as a whole and must be handled with the utmost gravity and responsibility in finding long-term solutions. These will be crucial, as is emphasized by the European Commission, in the successful reaching of goals drafted by the Lisbon Development Strategy of the EU.

3. International law binds Slovenia, as a member of the EU, to eliminate discrimination. The EU Council of Ministers adopted, as is well known, in the form of »directives« and on the basis of Article 13 of the Treaty of Amsterdam, legal norms binding on member states concerning the elimination of discrimination in the Community, namely on grounds of gender, racial or ethnic origin, religion and belief, physical and psychical disability, age and sexual orientation.. Discrimination on ethnic or racial and religious grounds is, due to the demographic structure and social divides resulting from these grounds, among the most sensitive areas of human relations in the EU and hence also a top priority political, social and security issue

EU directives have created a broad notion of what discrimination is, since they incriminate »indirect« as well as »direct« discrimination and condemn as acts of discrimination also various forms of »distressing or obstruction« which put a person in an unequal position compared to others. They regulate the widest range of situations which are in any way related to the issue of discrimination. They relate to “all persons” thus including also legal entities and citizens of third countries and serve as protection from discrimination to anyone who works or resides within EU territory (Article 3).

The directives prohibit discrimination in areas important for the equality of people disregarding their racial and ethnic origin or religious belief (such as: Employment, self-employment, working conditions, dismissal, wages, promotion, vocational guidance, education at all levels, obtaining work experience, health insurance and social security, entitlement to social benefits, access to goods and services of public nature; housing).

States are obligated to establish appropriate court and administrative procedures, as well as reconciliation procedures, available to persons who have grounds to believe they are victims of discrimination in any of the above mentioned areas. Moreover it is the duty of states to establish an independent body responsible for such issues and to report to the European Commission all relevant information regarding the

introduction of directives in their own legal system and into adequate policies and regulations designed to prevent discrimination among people who live and work in the country.

Last but not least, in Slovenia there is insufficient legal consciousness of the fact that the prohibition of discrimination of people on the grounds of ethnic origin and religious beliefs, including foreigners and people who are not citizens of Slovenia, is *ius cogens*, an absolutely binding norm in international law. Any act inconsistent with this norm could be declared, if a suitable domestic or international legal procedure should take place, void »from the start«, namely it could have no legal implications.

4. In view of the present circumstances in Slovenia and its neighbourhood as well as the historical tradition still present in our life today, controlling and solving problems related to these discrimination aspects could contribute to the consolidation of Slovenia's »unity in diversity«, in the sense of forming a harmonious multicultural society. Neglect of such problems can, on the other hand, as mentioned before, lead to political and socio-economic instability of Slovenia, which would significantly diminish its prospects for a smooth economic and social development, as well as its future standing in the international community.

In the framework of the international project "Training and Education for Combating Discrimination in Slovenia" we have formed some propositions we should like to communicate to political entities and the professional public.

The issue of discrimination hides many crucial pitfalls which cannot be avoided without being acquainted with their structure and mechanism. They may be subdued by (government) suppression but will break out in certain political and socio-economic circumstances with a vehemence which cannot be contained by classic means available to the state. Legal provisions can merely mitigate, not eliminate social and economic causes of discrimination which are most often linked to psychological trauma or religious and ethnic prejudice among "discriminators" and "the discriminated" alike. In fact they can only be rooted out the social fabric by adequate, well-planned policies in social, cultural, economic and other fields, by suitable public educational programmes, and adequate organization of local self-government, administration and the political system.

We hope our efforts and our work has encouraged the leaders of political bodies, together with organizations and institutions of the civil society as well as with the cooperation and support of all people of good will, to prepare a thorough and long-term programme for combating discrimination in our society, starting in the year 2007 which is the "European Year of Equal Opportunities for Everyone". Planning and actual implementation of such an action programme is a highly

responsible and complex undertaking which has to be based on research and must be performed in different fields of social activity, ranging from training and education to suppression measures - where necessary - of the authorities. The action programme for combating discrimination on ethnic and religious (and other) grounds in Slovenia should become one of the priority tasks of the reforms, which were promised by the current ruling coalition. This should include putting into practice the key directives of the EU Council of Ministers from the year 2000 as well as other international obligations of Slovenia.

Secondly, it is necessary to carefully inspect and supplement the law, with which Slovenia transferred EU directives from the year 2000 into its own legal system (IPETA); not only regarding the remarks which were communicated to Slovenia by the European Commission, but also regarding other issues. "The Office for Equal Opportunities as a professional governmental office is responsible only for forming policies in the field of sex equality while it operates only as coordinating body in the field of non-discrimination on the basis of other personal circumstances," wrote the office in its explanation why its representatives and the "equal opportunities advocate" cannot join the conference. It is therefore obvious that an independent, autonomous body for dealing with discrimination should be formed to carry out the following duties required by the EU directives: 1) investigation of discrimination, 2) publication of reports on instances of discrimination, 3) raising public awareness 4) offering help to individuals.

Thirdly, our efforts will be rewarded if we succeed in raising the awareness of the Slovenian public about what discrimination is, what moral and political values it entails, and what advantages Slovenia can draw from a multicultural society, based on the principle of equality of all people, disregarding ethnic, religious and other differences, in other words, on respect and acceptance of diversity. The fundamental responsibility of educating children in this spirit is carried by the educational system, which according to our findings is far from having the correct human and organizational resources to perform this social mission. The same holds true for the media, especially television. In "educating" people to live in a multiethnic and multi-religious community such as exists in Slovenia, much could be done by the Churches and religious communities of Slovenia, especially the Roman Catholic Church which, in number and influence in society, by far exceeds any other.

Fourthly, it is necessary to simplify the existing procedures and to create new instruments available to victims of discrimination. Moreover Slovenia has to speed up the ratification of Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms effective since 1 April 2005. We are certain the protocol shall, together with a successful implementation of EU directives, open a new

chapter in the fight against discrimination in Slovenia. Member states of the convention are bound by the Protocol to carry out all its norms without any discrimination whatsoever. The essential novelty here is that the victims of discrimination, who are denied justice at home, will have recourse to the European Court of Human Rights at Strasbourg.

Fifthly, experts on various discrimination issues from abroad and Slovenia, who held lectures at seminars, positively assessed the contributions of the members of the Slovenian police, which presented their projects and activities in combating discrimination. Of course, there are still numerous issues which require special professional and organizational training of police officers to successfully combat discrimination in Slovenia particularly at work in nationally and religiously diverse environments and at the future Schengen border. In performing their duties police officers are much more than anyone else torn between public expectations to perform their work efficiently and the duty to, at the same time, respect human rights and freedoms and ensure equal treatment of people without discrimination. However, the political scene cannot expect the police to resolve issues, which were caused by the politicians themselves or which they are not able to or are reluctant to tackle in fear of losing popularity with the voters.

Sixthly, our public is insufficiently acquainted with the experiences of peace missions of the Slovenian Army (SA) in ethnically and religiously mixed regions such as Afghanistan, Lebanon, FYR of Macedonia, Kosovo, and Bosnia and Herzegovina, where, under dire conditions, they must in practice reaffirm the notion of equality among people regardless of race, nationality or religion. Considering these missions it has to be added that the Slovene public is completely unaware of the importance of the fact that members of the Slovenian Army, which is small in number, are cooperating in international efforts (within organizations such as UN, NATO, and EU) to preserve international peace, which involves Slovenia in the regulation of relationships on a global scale. Slovenian soldiers in peace missions meet new challenges constantly. To illustrate how great the responsibility of the members of SA is, I cite the following example: any unexpected events in the part of Kosovo, which will be under the command of SA units and is security-wise the most dangerous part of the region, may “overnight” radically change the view on the credibility of Slovenia in this part of Europe and also affect issues concerning ethnic relationships in Slovenia.

Finally the power of decision-making in the area of combating discrimination is in the hands of political parties, or individuals and groups acting under their banner. The situation will further complicate if the decision-making elite of Slovenia should continue to show a lack of interest in seriously considering and handling such a complicated social problem as discrimination, in identifying its social, economic,

and other causes, and finally, in initiating a coordinated endeavour for its abolishment in terms of implementing EU directives of the year 2000.

We hope that the results of this international project shall encourage constructive action for further regulation and solving of problems related to discrimination of inhabitants of Slovenia on the grounds of ethnic origin and/or religion. By this we should like to contribute our share to the political and social stability of the Republic of Slovenia, which is a *sine qua non* for planning and implementing economic and other reforms, plans for development, as well as strengthening of the well-respected and influential position of Slovenia in the international community and especially within the EU.

It is necessary to patiently build a »Slovenian« home which will offer people living in it (citizens and foreigners) safety and an opportunity to work for a peaceful and prosperous life for themselves and their families regardless of their race or ethnic origin, religion, age, sex, or disability. Restoring the rights, taken away from the »erased« by the government with an administrative measure in 1992, would in our opinion, remove the biggest blemish on the democratic image of Slovenia and improve its standing before taking over the presidency of the EU in 2008.

VIEWS ON AND EXPERIENCE OF DISCRIMINATION – ANSWERS AND OPINIONS OF PARTICIPANTS IN PROJECT ACTIVITIES

1. POSITION AND ISSUES OF CONSTITUTIONALLY UNRECOGNISED ETHNIC COMMUNITIES IN SLOVENIA

Citizens of the Republic of Slovenia, who declared their nationality as being Albanian, Bosnian, Montenegrin, Croatian, Macedonian, German, Serbian, and so on, are considered to belong to the group of the so called unrecognised ethnic communities of Slovenia. This group of people represents a bit less than 10% of the population of the Republic of Slovenia.

The following issue has been exposed.

- a. The members of these minorities do not want to simply get assimilated but want to preserve their national identity and continue with the fulfilment of their own needs in the fields of culture, education and elsewhere and thus contribute to the multiculturalism in the region of Slovenia and Europe. According to the Article 61 of the Slovenian Constitution their individual rights are ensured, yet they also want to be able to exercise the so called collective rights.
- b. The participants of the discussion have assessed that legal and judicial channels do not always produce positive results and that is why they have proposed the establishment of a new body, to which victims of discrimination could appeal and address petitions. The Slovenian Government Office for Equal Opportunities does not offer a wide enough framework, since their priority lies in eliminating gender discrimination. On the other hand the Office for Nationalities is designated only for constitutionally recognised minorities so it is unable to help within its competency. Both Commissions of the National Assembly (the Commission for Petitions, Human Rights and Equal Opportunities and the National Assembly Commission for the National Communities) have limited possibilities due to their political nature. The members of the aforementioned minorities now feel like fish out of water, for wherever they might turn they are treated in a sympathetic way, yet that is not enough.
- c. An important element in preservation of identity of the individual minority community is also the system of supplementary classes where

one's mother tongue and culture would be thought. It is expected from the Republic of Slovenia to get more active in this field since so far only a few children have been included in the supplementary classes. On the basis of bilateral agreements supplementary classes have begun in Macedonian, Serbian and Croatian language. By now only 100 and some pupils attended the classes every year, which considering the number of members of these 'new minorities' living in Slovenia is a quite modest number. The representatives are therefore justified in expecting the RS to take on a more active role in solving the issue. The Republic of Slovenia should provide the infrastructure for teaching as well as help finance the classes. Similarly the Bosnian community expressed a need for a new chair of Bosnian studies at the Department of Slavonic Languages at the Faculty of Arts in Ljubljana and a Bosnian literature section in one of the Ljubljana libraries. The participants unanimously supported the initiative, that the public Radio Television should include a programme for newly formed minorities using their languages and covering the activities of newly formed minorities in Slovenia.

- d. The main wish of the representatives is to significantly improve the funding of cultural programmes prepared in the frameworks of individual societies' activities. At the moment, these cultural programmes are partly financed by the Ministry of Culture, however, considering the number and extent of projects entered, the funding allocated to members of other minority ethnic groups, immigrants or members of nationalities of former Yugoslavia should be appreciably increased or additionally financed from additional sources. According to the societies' data, the Italian and Hungarian national minorities and the Roma ethnic community were allocated 160 million SIT in 2005, whereas only ca. 30 million SIT were set aside for constitutionally unrecognized minorities. This discrepancy appears even greater considering the number of the respective members.
- f. Other issues. Apart from the mentioned issues, which so called newly formed minorities are facing, the representatives pointed out some other burning issues which apparently have no ready solution. One of the most obvious problems is clearly the problem of the so-called erased (residents).

After Slovenia became independent, anyone could acquire citizenship of the RS, providing they were registered as permanent residents of Slovenia on the day of the plebiscite (23.12.1990). In the year 1992 the Republic of Slovenia erased all those (over 18,000 persons), who had not applied and acquired citizenship in due time, from the Registry of Permanent Residents without giving notice about this to any one. The Constitutional Court has on many occasions decided on the matter of the "erased" persons, and in its last decision it once more ruled that the erasure from the year 1992 is unconstitutional and that the status of the "erased" persons must be restored. Although the Constitutional

Court's decision is unequivocal, there has been a lack of political will to find an appropriate solution and to restore the dignity of the affected individuals. At any rate the present situation is unconstitutional and unacceptable from the viewpoint of human rights protection and harmful to the reputation of Slovenia.

The Muslim religious community in Slovenia has met with a similar tempo of »non-solving«. They have long been struggling to set up an Islamic centre, for which no suitable location seems to be available, so they expect the government to provide more active assistance in finding an adequate location for building the Islamic centre of Slovenia.

The representatives of the Albanian community have pointed out a specific problem. The Slovenian state administration does not acknowledge certain documents issued by the administration of United Nations in Kosovo.

Members of newly formed minorities are often victims of so-called hostile discourse in the media, most frequently on the Internet. The German community reacted to such a case by pressing charges against a journalist on radio Slovenia, who allegedly incited national animosity and intolerance on air. The Higher Court in Ljubljana dismissed the charge, which of course did not satisfy the German community.

2. ISSUES OF ITALIAN AND HUNGARIAN NATIONAL COMMUNITIES IN SLOVENIA

The constitutional status of both national communities in Slovenia is defined by the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, the Constitution of the RS and several acts, the most important of which is the Self-Governing Ethnic Communities Act.

On the basis of the mentioned legislation we might say that it is provided satisfactorily for the protection of both national communities. This is the opinion of the Slovenian Governmental Office for Nationalities, which in its reports states that the position of both national communities is good, their guaranteed legal protection and exercising of rights above European standards, and that there are no special unresolved issues.

During the discussion the representatives of the Hungarian community did not entirely share the views of the Office for Nationalities. They emphasized the particularly burning issue of the drastically falling number of members of both national communities in Slovenia. In just ten years the number has fallen by almost a quarter, which is a great drop and cannot be explained only by the ageing population. While the minority delegates are satisfied with the legislation which lays down special rights of both communities, it has failed to stop the assimilation process, which to their great concern irrepressibly continues. Slovenian institutions, obliged by the Constitution to protect minorities, have not done enough to this end and have not, as the drastic

decrease of the members of national communities indicates, encouraged new protection projects.

The Hungarian national community has seen a particularly strong assimilation, which is closely related to the weak economic situation of the entire Prekmurje region, and not just the Hungarian community. Weak economic state of the region forces young people to migrate to economically stronger regions, both in Slovenia as well as abroad. The migration of minority members from their local nationally mixed environment means a double loss for the minority, firstly because the minority in Prekmurje is quickly diminishing, and secondly because minority members have no special rights in their new environment, which further accelerates assimilation.

3. UNRESOLVED ISSUES OF THE ROMA ETHNIC COMMUNITY IN SLOVENIA

In contrast to the Italian and Hungarian national communities the Roma community is not offered so much legal protection. The Roma community in Slovenia does not have the status of national minority. It is rather classified as a special ethnic community with special ethnic characteristics. Their legal and constitutional position is defined in article 65 of the Constitution of the RS, which empowers the legislator to assure - besides all the general rights - all the special rights to the Roma community living in Slovenia. In the year 1995, the Slovenian government adopted an action program to help the Roma in which it undertook to protect their community with departmental legislation. Thus the special security of the Roma community is now included in nine departmental acts. In 2005, the Slovenian government adopted the decision to regulate the particular rights of the Roma ethnic community in Slovenia by the basic Roma Community Act.

The Rom ethnic community in Slovenia is facing a manifold problem that involves almost every sphere of their lives. The areas of education, employment and living conditions are representing the biggest problems.

a. Housing

The majority of the Roma are lodged in settlements which are isolated or raised on the edges of the populated regions, where living conditions are below minimum. More than half of the Roma population is living in provisional dwelling places (barrack camps, containers, trailers, etc.), while others live in brick houses and only few in flats. Such isolation of settlements together with inadequate housing standards leads to subsequent ghettoisation of Roma settlements, which only motivates and encourages the prejudice of the majority population. Decent housing conditions are the basic condition for a successful integration of the Roma community in the wider social life. That is why the representatives of the Roma community appealed to state

bodies to help them over a short-term and especially over a long-term period to improve housing conditions. They especially wish for help in purchasing land, legalising plots with no building permit, and in setting up electrical, sewage and water-supply network, and so on.

b. Education

Poor educational structure of the Roma community at all age levels represents a particularly great difficulty. Most children participate in primary school and pre-school education, yet they do not visit school regularly and finish their primary school education in lower classes or do not finish it at all. Because of this their further professional education is not possible. The main reasons for the situation are insufficient socialization of the Roma children and poor knowledge of the Slovene language, which makes it difficult for them to participate in classes and to interact with other children of the same age.

It also often happens that Roma children advance to the next class although they have not reached the standards of knowledge required in that class. This becomes a great problem when these individuals decide to finish primary school later in life. The candidates receive financial aid for completion of primary school, but only on the condition that a class is successfully completed. Since the candidates often do not possess the knowledge attested by the school report they have to start once more at the lower levels of education and therefore cannot complete the level for which they receive financial assistance. That is why they lose it and once again their educational process halts and thus the vicious circle continues.

c. Employment

The basic condition for improvement of the economic and social position of the Roma community is adequate employment, which of course is closely related to appropriate education. Due to insufficient education and ample prejudice the employers are still not inclined to offer employment to the Roma. Their unemployment rate is distinctly above average so that the Roma community is in most cases dependent on social benefits or undeclared work. The participants also mentioned the often discriminatory attitude in employment of the Roma as it is difficult for them to get employment, and are mostly the least paid workers. In case the firm gets into trouble they are the first to be made redundant. State bodies thus call for such programmes, which would stimulate the employers to employ the Roma.

d. Fulfilment of Constitutional Obligations of the Republic of Slovenia

The Roma community supports the decision of the Slovenian government to pass the basic act on the Roma Community. The Roma Union of Slovenia suggested that the act should be named "Act on Special Rights of the Roma Community in the Republic of Slovenia" and should include the following rights of the members of the Roma community:

- the right to freely express their ethnic affiliation and to preserve their identity;
- the right to use the Roma language and script;
- the right to education and training;
- the right to express their cultural creativity and disseminate information;
- the right to establish organizations and societies for cultural, informative, educational and sports activities;
- the right to participate in politics and be represented in the representative bodies of local self-government (the Roma municipal advisers in municipal councils) as well as at the state level in the National Council (following the changes to the Slovenian Constitution in the National Assembly);
- special rights for the Roma should be ensured by law regardless of the number of the members of the Roma community, and should be valid in all regions and municipalities where the Roma live; the act should further include the state's obligation morally and financially support the exercising of rights of the Roma community and to this aim provide budget funds to the municipalities.

What representatives also exposed as particularly problematic is the distinction between autochthonous and non-autochthonous Roma and hence also the rights derived from autochthony. At the same time the very concept of autochthony is not defined in the Constitution or in any other legal act or implementing regulation. This distinction was introduced by the Local Self-Government Act. They fear that such distinction might cause confusion and abuse, arbitrary exclusion and discrimination. In contrast to the autochthonous the so called non-autochthonous Roma cannot have their own representative in the municipal council of the municipality where these communities reside. They are also not entitled to any funds for solving of various issues. As a consequence of this discrimination there has been a great drop of interest in the municipalities, where so called non-autochthonous Roma live, to solve the Roma issue.

4. experience of judges, state prosecutors and Lawyers

Judges, state prosecutors and lawyers all have - in different ways - a very important role in the process of effective and creative implementation of the EU anti-discrimination legislation in Slovenia. Therefore it is very important that they are well acquainted with anti-discrimination legislation of the EU and may thus help close the legal gaps, still existing in Slovenia regarding the implementation of the EU anti-discrimination legislation.

It has been established that Slovenia had practically no such legal practice in this field with the exception of the Constitutional Court Decision from the

year 2004, when it was decided that the Decree of the Ljubljana City Council violated the constitutional right concerning the freedom of performing of religious rites. This may give a false impression that there is no discrimination in the Slovene society or that it only appears in mild forms which are then solved within the framework of other institutions. The participants have agreed in the estimation that this is not the case. The issue of discrimination is much greater and the difficulty is that persons or groups of persons affected are not aware of the possibilities available to protect their rights. It often happens that the person is a victim of discriminatory behaviour, yet he or she does not recognize it as such due to indifference. Hence it is necessary to raise public aware and sensitivity especially in vulnerable groups so as to help them detection and recognize discriminatory behaviour and subsequently help them respond correctly. Foreign experts have highlighted the fact that only a small percentage of discrimination cases which come before the court are decided in favour of the victim of discrimination.

It has been established that the Slovene legal system needs to be upgraded in the field of prohibition of discrimination since it is incongruous in places. If the legal status of national and ethnical groups in Slovenia is not clarified it shall remain an excellent basis for discrimination to thrive. The legal vacuum in prevention of discrimination within the framework of religious communities calls for systemic regulation of this field. Efficient implementation of the Act on Implementing the Principle of Equal Treatment (IPETA) is made difficult in practice: unreasonable and unnecessary assessment of the discrimination by both the advocate as well as the inspecting officer; shortage of inspectors in individual fields; cooperation in procedures, which are started or for which the initiative is given by the victim of discrimination, is refused to nongovernmental organizations; in cases of indirect discrimination (which is most frequent) it is very difficult to prove the facts of discrimination; in IPETA the standards for appointment of the advocate of the principle for equal treatment are not prescribed; all social partners (unions and employers) are not included in the IPETA Council so the purposes and aims of the act itself are not achieved.

5. experience of police officers, prison officials, customs officers and members of the slovenian armed forces

Due to the nature of their work police officers, prison officials, customs officers and members of the Slovenian Army constantly come into situations, which offer opportunity to be discriminatory towards individuals or groups of individuals. Hence it is very important that they are well-acquainted with anti-discrimination legislation as only excellent knowledge of it is an adequate basis for appropriate action. It has been established that members of the police and army act discriminatorily not because of intentional conduct but due to

insufficient knowledge of the anti-discrimination legislation. Yet this fact does not make them any less guilty. Education in the field of anti-discrimination legislation is a weak point of the educational system and in the additional training of the police officers, prison officials, customs officers and soldiers. It has been seen that there is no systematic education of the members of the mentioned structures which is sadly left to some enthusiasts, who have prepared excellent programmes, but are not as successful as they might be due to poor support of the administration. The employees have to be constantly involved in education about the prohibition of discrimination as it has shown that one-time training does not produce “lifelong” results and need to be, due to the nature of discriminatory behaviours, frequently repeated and upgraded. It needs to be emphasised that ignorance of anti-discrimination legislation by police officers, prison officials, customs officers and soldiers does not make them exempt from guilt.

6. DISCRIMINATION IN employment

The representatives of administration units, employment offices, social work centres and trade unions emphasised that the Roma and foreign workers, who come to work to Slovenia for a shorter period of time (seasonal jobs) are most exposed to discrimination in employment on the grounds of nationality. In concluding contracts between employers and foreign workers there is often a series of repeated violations, leading to discrimination of foreign workers: work contracts for foreigners are often not signed by the foreign employee, have no date of the conclusion of work contract, or are even signed by someone else, do not contain the date of commencement of work, the provision on basic wages or any other possible revenues, or terms of payment, and so on.

The next great problem in employment is the discrimination of the Roma, which is mostly a consequence of their different way of life and consequent stereotypes, prejudice, stigmas and characteristics attributed to the Roma. The most problematic is the hidden discrimination which may be seen in unacceptable additional requirements needed for performing the simplest work, and in rejections of candidates without any justification or with the note “candidate does not match the employer’s needs”. To solve the issue of discrimination of the Roma it is necessary to prepare more target-oriented programmes, think about establishing a special office for the Roma and hire a so called Roma coordinator, who would in a specific region coordinate work between employers, social work centres, municipality, schools, the Roma representatives, police, and so on.

7. TRAINING AND EDUCATION FOR LIVING IN a MULTICULTURAL SOCIETY

The value system of a certain society is also transferred to its members through the educational system. That is why it is necessary to establish such an educational system as will facilitate the development of a democratic society founded on respect and understanding of diversity. Teachers and head masters were unanimous that a difficult task is set before the educators of children. In blindly striving for better academic success the school system pay insufficient attention to teaching of free thinking, critical judgment and actions. Only in this way shall they become aware of their place in society and be thus prepared to assume more democratic roles in social life and capable of improving society. School has to educate and instil a value system, that is to educate its pupils, help form their views and moral behaviour in their everyday life. Only one class subject "Ethics and Civic Education" is not enough to teach a child to respect diversity. Interculturality as an educational principle should be present in all school activities, but sadly it is done only on the declarative level and only rarely in practice. It has been confirmed once more that the education of pupils in a spirit of respect towards diversity and prohibition of discrimination is left to the personal initiative of individual schoolteachers. Even more alarming is the fact that the school management does not pay enough attention to this and thus stifle good initiatives of their employees. Examples of good practice have shown that the success of such education is dependent on the cooperation between teachers and school management. The teachers are agreed that pupils are intolerant or behave towards their schoolmates in a discriminatory manner due to ignorance which is why a broader education is urgent. It must not be forgotten that teachers are also the ones in need of training. Experience from practice shows that pupils who partake of such education interact better and find it easier to make contacts with those who differ from them.

8. RELIGIOUS FREEDOMS AND DISCRIMINATION OF PEOPLE ON THE GROUNDS OF THEIR RELIGION OR BELIEF

Although the situation in the area of religious freedom in Slovenia is satisfactory, some improvements are still necessary, especially in the legal and ethical relationship between religious communities and the state. Every case of discrimination is needless and its solving should be handled with responsibility. What is discrimination in the field of religious freedom is not easy to define, but this definitely means taking into account the teachings of religious communities, the state laws and social norms. The key to preventing discrimination in the field of religious freedom lies in education, which has

to start as early as possible and has to be founded on the impartiality of the educational system.

The representatives of the religious communities in Slovenia have in spite of this exposed the following experiences and issues:

- a. The Muslims in Slovenia in many respects feel like second-class citizens. They highlighted three key fields, which still remain to be settled. The Islamic community still has not succeeded in signing an agreement with the Republic of Slovenia. By doing so they would set up a framework for activities and development of the Islamic community and stop negative trends and media manipulation of religious feelings to achieve personal goals. They warned about the media image of Islam and Muslims, as religious questions are often discussed exclusively from a political aspect, through domination over others, and rarely through mutual respect and tolerance. In any case the key question for the Muslims in Slovenia is the construction of an Islamic cultural centre. Instead of being a technical issue it has become a current political question at everyone's disposal to exploit for political or personal purposes.
- b. Several representatives of small religious communities spoke with criticism of the new Religious Communities Act. In their view this new act invites discrimination and even legalizes it. The distinction between churches and religious communities is problematic. The state should remain impartial, yet the new act does not ensure this.
- c. Small religious communities spoke in a much more critical way of the public Radio and Television, which supposedly puts them in an unequal position in comparison with the larger ones. They established that the national radio-television company often refuses to translate programmes prepared by these communities, yet at the same time they enable broadcasting of programmes of the larger communities. Representatives of small religious communities similarly only rarely get any space in religious and educational programmes. Their requests are either overheard or rejected without any foundation.

CONCLUSION

The analysis of reports of international bodies (Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on Elimination of Racial Discrimination, Advisory Committee of the Council of Europe on the Framework Convention for the Protection of National Minorities, Council of Europe Commissioner for Human Rights, European Commission against Racism and Intolerance) which supervise the situation in the area of discrimination in Slovenia reveals a rather unpleasing image, which was also confirmed by the participants in our activities. Responses of Slovenians to the growing the number of immigrants in the last ten years are of a nationalistic and xenophobic character. If economic conditions in Slovenia should deteriorate, the first

scapegoats for the existing situation shall be the members of these national and ethnical minorities. That is why it is urgent to establish and to adopt in the National Assembly a programme for coexistence of all inhabitants of Slovenia and thereby create a basis on which cultural pluralism might flourish.

The participants of all the seminars agreed that it is mandatory that the Republic of Slovenia should as soon as possible ratify Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The protocol is of vital importance for prohibiting discrimination since it safeguards against discrimination all individuals who are in the territory of any member state of the protocol regardless of citizenship and introduces control over actions of public authorities. The judging and punishing of racial and ethnic discrimination is, on the other hand, the competence of the European Court of Human Rights.

PREJUDICE AND ITS DISCRIMINATORY SIGNIFICANCE

INTRODUCTION

Anti-discriminatory endeavours may remain only on an abstract regulatory level, if anti-discrimination policies and measures are not implemented in practice. The condition for successful tackling of discrimination is first of all an adequate normative regulation, followed with an understanding of its mental structure by itself and in relation with specific economic, social and political issues. There is a necessity to treat them in context of domestic and international circumstances and most of all with regard to their dependency on the impact of present-day international integrations or the process of globalisation.

ON THE NATURE OF DISCRIMINATION PROCEDURES IN GENERAL

Any social relationship establishes itself through two parallel processes. The two being the identification process of the individual with another individual and the differentiation process as a mutual comparison of individuals or the comparison between groups of individuals; that is as processes of identification and differentiation. Typical of both processes are the notions of categorization, typification and stereotypification representing a more or less partial perception of reality. The more complex it gets the more partial the perception. Reality is in other words too complex and our lives too short to grasp it in its entirety. The more complex it is the more one-sided and simplified are our ideas about it.¹ We resort to such simplifications because our every-day routine in life demands quick and simple solutions. Identification and differentiation are two methods of social categorization as a psychological instrument used in simplification and distinction between the concept of belonging and being different. Typical of such simplifications are categorization, typification and stereotypification, that is psychological categories, among which we should also class prejudice. It is true of prejudice in general that it represents stereotypical, one-sided, dogmatic and a priori views, beliefs or judgements, for which dogmatism and conservatism are typical. In contrast to identification the differentiation process

¹ Bibič, R.: *Dialektika*, ČZP Komunist Publishing House, Ljubljana 1977, page 41.

leads to the rejection of everything that does not belong within the individual's framework of reference which serves to define his or her personal identity and from which prejudice may originate. The important side of this process is the emphasis on the stereotypical contrasting or differentiating between groups, due to which individuals adopt more favourable attitudes towards their own group, within which they assess each other according to similarities, cognitive similarity or similarity of views, and also by mutual attraction, which manifests itself via affection, favouring and partiality. The homogenisation of an individual with another individual or a group of individuals they identify with or feel they belong to according to the principle of similar characteristics, occurs through the identification or differentiation process. As an important homogenisation factor in groups identification and differentiation are important as mobilization factors according to the principle of "we-you", and are at the same time an inevitable breeding ground for racism, xenophobia, chauvinism and various forms of discrimination.

By comparing groups the individual "bestows" the group and himself a better image as well as a better self-image and with it the feeling of greater success and superiority. The superiority complex is in fact only an exacerbated inferiority complex and is as such only a safeguard mechanism of the individual's identity. Hence the discrimination process occurs only in such a way that those differences between groups, which are discriminatory in meaning, are intensified. The easiest way to attain discriminatory differentiation is so that others are assessed in a negative way, while evaluating oneself and one's own group positively.² Prejudice is thus reflected in the form of social sympathy or antipathy, which is based on incorrect or at least on partial generalizations made by evaluating the members of the discriminated social group. They are most apparent in disrespectful attitudes towards others or towards any one that might be different. For example towards members of other nations, race, culture and towards persons leading a different way of life, or having different religious beliefs or sexual orientation.

Furthermore it is typical for discriminatory prejudice that it is usually embedded in wider ideological schemes, meaning that it is deeply rooted in the superindividualistic system of social positioning, typically in ideological systems of individual societies and cultural traditions.³ Their mental structure is made up of two elements and that is: its cognitive and emotional component. The cognitive component consists of the stereotypes, which in themselves have no discriminatory significance if they are not rigid, since they easily change in content when an individual realizes, under the influence of weighty arguments that they resulted from misconceptions. Such flexibility depends on the psychological fact of not being caught in specific emotional determinants. For the mental structure of discriminatory prejudice it is however typical that in addition to the cognitive component they also contain the emotional or

2 Ule-Nastran, M.: note, as in 40, page 315.

3 Ule-Nastran, M.: note, as in 12, page 319.

instinctive and affective component. This very irrational part of discriminatory prejudice is decisive when identifying its difference from stereotypes and prejudice, which have no discriminatory significance. After all discrimination is based on prejudice and stereotypical ideas which include regressive mechanisms which lead to primitive behavioural forms with a typical dialectics. This includes various behaviours, from disqualification by libel or slander, underestimation, verbal, real and symbolic offences and physical assault to the elimination on different scales, in the worst case genocide.⁴

Hence discriminatory prejudice makes up the fabric of the strongest ideological systems. Their source can lie anywhere, from class, professional, national, racial, religious and sexual affiliation to character, vocation, profession, customs, and so on. As long as everyday situations are concerned prejudice does not seem dangerous so that we hardly notice it. But prejudice has an unpleasant characteristic of being quick to become a social bonding element of the masses and spreading like viruses. It may soon have the extent of the epidemic, should the macro-ideological wave catch them, and tap on their open ideological and political instrumentalization.⁵

It has been typical of all modern dictators that they relied upon simple slogans, which offered convincing and yet simple formulas in which the frustrations as well as the expectations of the politically awakened masses were summed up. The use of simple, stereotypical political phrases and notions, and pompous talk have through history as “convincing slogans” awakened the hatred of masses, which always originated from frustrations and bottled-up feelings. It was possible to explain in an effective way to the eager crowds with the help of political Manichaeism (explanations of the relationship between good and evil) an otherwise complex political reality.⁶

Just like micro-ideologies of everyday life prejudice may develop a destructive force, if it is given legitimacy in radical political views. In this way they may be demagogically used as a propaganda machine for mobilization and thereby achieving certain, mostly partial, political interests. As such they usually become the final pretext for the most radical actions.⁷

emotional ORIGIN of DISCRIMINATORY PREJUDICE

Because discriminatory prejudice is interwoven in vast ideological schemes it prevents the individual from becoming aware of his or her own prejudice and hence from critical self-reflection. Prejudice is deeply rooted in the

4 Supek, R.: "Društvene predrasude: Socialno - psihološka razmatranja", Radnička štampa Publishing House, Belgrade, page. 78.

5 Ule-Nastran, M.: note, as in 12, pages 299-301.

6 Brzezinski, Z.: note, as in 20, page 29.

7 Ule-Nas tran, M.: note, as in 12, page 325.

unconscious dynamics of emotions and affects. That is why understanding the psychodynamics of one's own discriminatory attitude is so difficult. Insight in prejudice demands an insight into various traumatic experiences, which have happened to an individual especially at the time of one's childhood or while growing up and were suppressed to the unconscious by extrusion mechanisms. That is why attempts of an individual to develop the necessary inner strength and thus a critical relationship towards one's own prejudice often prove unsuccessful. Unconscious accumulated hatred and various frustrations due to problems and failures in life need a substitute object, on which one's own fears and hatred could be projected.

That is why expression of prejudice is not only an psychological instrument for categorization, self-placement and development of personal identity, but at the same time also the instrument of diverting aggression from the actual causes to substitute objects. Psychoanalysis has long ago explained the transfer and contra-transfer mechanisms which entail the shifting of hatred to external objects, and together with it also the fact that various prejudices symptomatically reveal the characteristics of the collective social neurosis common to unbalanced and immature persons, often leading to the fusion of primitive mentality typical of frustrated individuals whose ambitions have been thwarted and are unnerved due to their own unresolved inner psychological conflicts and who have unclear goals a consequence of their sense of helplessness. This feeling transforms into enthusiasm for social power and violence.⁸

Such a type of authoritative personality characteristically possesses a series of psychological traits which make it more susceptible to prejudice and stays in their power⁹ for a longer time. The authoritarian personality is the most cited character structure in studies on prejudice and we identify it according to the following characteristics of the authoritarian personality:¹⁰ 1. conventionality - rigid clinging to middle-class values; 2. subjection to the authorities which is shown in a uncritical acceptance of authority; 3. respect for authority which is based on identification with the representatives of the ruling order, admiring of their power and approval of the strict measures for its protection; 4. aggressiveness which is expressed by a harsh condemnation of people who break conventional values and in the conviction that they need to be strictly punished and ostracised from society; 5. extrusion (regression) of emotions which may be seen in the insensitivity towards others, in the rejection of subjectivity and imagination as well as in incapability to surrender oneself to feelings; 6. projection of the bottled-up aggressive tensions on the outside world, which leads to a conviction about the hostile intentions of others; 7. destruction and cynicism, which shows itself in the rejection and underestimation of human values, in the lack of trust in humanity and in the conviction of its inherent evil nature; 8 rigid thinking, superstition, stereotypes, conviction in the mystic

8 Supek, R.: note, as in 52, pages 80-81, 256-258.

9 Ule-Nastran, M.: note, as in 40, page 303.

10 Lamovec, T., Rojnik, A.: *Dialektika*, ČZP Komunist Publishing House, Ljubljana 1987, page 92.

causes behind events, fatalism and belief in the omnipotence of supernatural powers and; 9. excessive interest in sexual deviations and a moralistic attitude towards them as well as advocating strict measures that should be used for their elimination.

On the grounds of such comprehension of traditional social psychology it may seem that if the link between prejudice and the emotional, instinct and affections and the unconscious valuation of social perceptions could be terminated or weakened, the key problem for the prevention of discrimination would be solved. Yet this is only seemingly true. Typical for such comprehension is that prejudices are aimed at individuals rather than the society. That is why the etiology of prejudice has been narrowed to the sphere of individual pathology and why the typology of personality predisposed to such prejudice was constructed. By this classification there should exist for example authoritative prejudice-inclined personalities as well as liberal or tolerant, that is personalities impervious to prejudice.

What is essential in this classification is that by reducing the essence of the problem to the individual level it has been overlooked or craftily hidden that discriminatory prejudice is symptomatic not only of the individual but also of the social pathology. By overlooking the pathological power ratio, conflicting interests of different groups, which create a favourable atmosphere for discriminatory prejudice to flourish, such an individualistic conception of prejudice diverts attention from the fact that it is always conditioned by society.¹¹

Discriminatory prejudice is above all a defensive psychological mechanism of the individual's specific social position, which enables him or her to make a firmer step in the cold and alienated and in a great measure incomprehensible and unfathomable world.¹² Because of this combating against discrimination is a hard nut to crack since it concerns some vital existential questions of the constantly contradictory relationship of the individual - society. The problems of tackling discrimination among other things requires an answer to the question, to what degree can criminal law repression limit discrimination.

DILEMMAS OF ADDRESSING DISCRIMINATION BY REPRESSION

The question, whether in the field of prevention of discrimination the modern criminal law is an adequate lever in helping promote a higher degree of consciousness about the danger of expressing discriminatory prejudice, seems even more weighty if we consider that these prejudices, when forced into anonymity do not weaken but strengthen. Concerning the socio-psychological aspect of prejudice, its connection with the deeper intense emotions is very

11 Ule-Nastran, M.: note, as in 12, page 338.

12 Mitscherlich, A.: Zur Psychologie des Vorurteils, in the journal: *Pred sodki in diskriminacije*, edited by Ule-Nastran, M, note, as in 40, pages 13-61.

important as it makes it difficult to change or eliminate it. On the other hand it is always dependent on various ideological schemes, which surpass the sphere of the individual. The measures used in punishment, which otherwise strengthen the norm that discrimination is unacceptable, have a questionable preventive effect. It is typical of modern-day prejudice that it is expressed in a symbolic or indirect way and in a much more masked form than in the past. The negative views of the rampant racism¹³ are not expressed openly but covertly by refraining from positive judgements of merit. This means that on the surface it does not seem so exclusive, because based on a masked or passive rejection and consequently more elusive. Due to this resistance to discriminatory prejudice by the stigmatised marginal groups is so much more difficult since the biased persons in the flurry and confusion of modern-day identities are not easily identifiable groups but rather fluid-like and intangible mass of inarticulate phantasms and fears.¹⁴

In critical situations we may thus expect not only an exacerbation of prejudice but also its prevalence in the construction of the individual's identity.¹⁵ If it is expressed in public especially if it is to boil up to the surface in form of hostile speech as the biggest generator of hate, a specific criminal political dilemma is created as to how it should be restricted, so as not to violate the constitutionally bestowed right of the freedom of public expression. The freedom of speech is in the Constitution both ensured (Article 39) and restricted (Article 63). It is sanctioned by the criminal law in the Article 141 of the Penal Code (KZ) as a criminal act of violation of equality and according to the Article 300 of the Penal Code, which provides that inciting to national, racial or religious hatred, of destruction or intolerance shall be treated as a criminal act. Expression of discriminatory prejudice is as already stated a way of self-classification through the process of social categorization, and it is effectual in the psychological aspect as a self-defensive mechanism.

Hence all forms of expression of prejudice are not equally dangerous especially if they are uttered by persons without significant social power. The most dangerous form of expression of prejudice is as already said hostile speech. It is most dangerous when it originates from the main sources of social power: parliament, political parties, the government, university or religious institutions, that is in social spheres in which the rights and opportunities of people are determined. It is especially dangerous if it becomes a tool or even a strategy for obtaining or strengthening of power since such speech can also modify the attitude towards reality and with it towards truth. Although such speech is the external expression of inadequate and completely misguided politics it is not without advocates or opponents.

The opponents of restrictions claim: 1. 1. that the hatred is characteristic only of lower classes as a consequence of poverty, unemployment, lack of education and

13 Ule-Nastran, M.: note, as in 12, page 325.

14 Ule-Nastran, M.: note, as in 12, page 7.

15 Ule-Nastran, M.: note, as in 12, page 312.

that the hatred arises due to the feeling of helplessness and endangerment and is thus natural; 2. that is why the prohibition of discriminatory expression only masks the real thoughts and emotions, while giving vent to them can have a cathartic effect; 3. such expression of feelings may have an important social function because it enables an awareness that something may be wrong in society and it warns of the nature, source and intensity of hatred; 4. by prohibition of expression of such prejudice those indicators would be disabled, which can as a consequence create an illusion of a good and healthy society; 5. as such hostile speech can also be a topic included in education for responsible citizenship; 6. that is why prohibitions are only simplified answers and more of an emotional reaction rather than a rational and argumentative confrontation with social reality.

Just the opposite is asserted by arguments, which could at a first glance offer a rational foundation for a criminal law against discrimination. They rest on the following premises: 1. hatred is encouraged and disseminated by those who have social power because they have access to the public via the media and what they say has a specific impact, which definitely does not include the uneducated, unemployed or poor people; 2. with hostile speech a feeling of endangerment is intentionally provoked by disseminating prejudice and hatred; 3. hostile speech does not aim to open discussions but rather definitively end them; 4. though people may be aware of their own prejudice and stereotypes and actively discuss them but they do not have the right to discriminate; 5. hostile speech is not a matter of reflection but it rather creates reality - when it is made legitimate hostile speech multiplies and thus hatred and violence are encouraged and disseminated; 6. that is why advocating of the freedom of hostile speech is not more rational since it ignores the sufferings of people, which means that the demand for restrictions is not more subjective, because this suffering is felt and perceived as a consequence of hatred; 7. restriction of hostile speech belongs in the field of differentiation of the legal and prohibited; 8. such moral imperative does not restrict public speech and the freedom of expression of thoughts but it clearly signals a message that hostile speech is not legitimate.¹⁶ Hence its restriction represents an ethical norm which may be taught like any other. It is possible to strengthen it in practice by the reaction of the criminal law.

CONCLUSION

Examples of discriminatory prejudice may be seen in public speech, media, films, popular culture, in legal and political discourse, state institutions, science and high culture,¹⁷ which means that they are part of the make-up of democracy

¹⁶ Taken after Leskošek, V.: note, as in 4, pages 90-93. On furious reactions towards the acquittal of the Roma youth, who had sexual intercourse with a twelve-year old girl, with whom he was married according to the custom of the Roma people, cf. Dežman, Z.: Razlogi za odločitev sodišča, ki je vzenimirilo domačo in tujo javnost, *Pravnik*, year 53, No. 4/5, pages 260-276.

¹⁷ Ule-Nastran, M.: note, as in 12, page 7.

as a public opinion process, in which we may without fear express our opinions while on the other hand one has to accept responsibility for what he or she is saying. The very fact that we prejudice is a means of social categorization in such a variety of fields of social life, puts forward a question of collision between freedom of expression as stated in Article 39. of the Constitution and prohibition of incitement to inequality and intolerance as stated in Article 62. That is why the duty of the penal code is to define the limits of criminality in the field of public discourse, in which prejudice is embedded. It is not a difficult task when freedom of expression is exploited to encourage intolerance, violence or even war, since such actions are against the fundamental civilized principles. The problem becomes more subtle if the prejudice expressed is a symptom of a feeling of endangerment of a specific part of the population. In such cases the duty of the modern-day politics is to consider that discriminatory prejudice is not only individual but also socially conditioned and that the main importance is to prevent its institutionalization resting on specific sources of social power.

What today seems encouraging in the field of prohibition of discrimination are the values of European culture, which are formed through a development process of parliamentary democracy, division of authority, independence of courts, ensuring procedural equality and in this framework the positive discrimination of the weaker, open-mindedness, pluralisation, individualization, secularization and doing away with dogmas of various contents. What can materially contribute to the diminishing of prejudice is demystification of the discriminated groups and establishing of mutual contact.

In the field of modern social psychology a spark of awareness has been lit which is reducing the discrimination as a feeling of connective congruity. Even in the USA white people might be less inclined to be discriminatory towards black people and vice versa, were they to discover that they hold the same views regarding the same issues. That is why in combating discrimination both contact and common education may be successful. Contact strategy proves that the number of mutual contacts and friendly relationships positively affects prevention of discrimination if it rests on the demystification of the discriminated groups.

Both strategies are relatively successful if they have a strong social and institutional background.¹⁸ That is why also in this field penal repression may be put into force as a radical means for prohibition of the most extreme forms of expression of discriminatory prejudice. After all it is typical of modern prejudice that if responded to appropriately by the civil society, they quickly hide or retract from the public scene, which is in my estimation ultimately the most efficient measure against discrimination.

The development of participatory democracy, individualization and pluralisation is probably the most efficient way which can or will prevent prejudice from no longer being such a firm “social binding element” of the masses as in

¹⁸ Ule-Nastran, M.: note, as in 40, page 318.

totalitarian regimes, in which the diversity of forms of government pressures leads to redirecting aggression from the ruling order towards discriminated objects. What is essential in the prohibition of discrimination is that prejudice of this kind loses its mobilizing force. By forcing prejudice into anonymity of everyday life or unreflective everyday speech does not diminish the strength of the prejudice yet quite paradoxically strengthens its power and impact.

Hence also the reaction of criminal law may have quite the opposite effect. Repressive confronting of discrimination in school has shown that disciplinary punishment does not solve the problems but rather exacerbates them.¹⁹ That is why the reaction of the criminal law towards expression of prejudice is in this sense also the last resort of criminal policy. Thus the whole responsibility for the confrontation of discrimination remains mostly in the domain of expedient democratic politics which creatively supports the concept of the legal and social state in everyday social practice. Perhaps such development alone may once lead us to a spontaneous realization that we do not lose anything by losing discriminatory prejudices.

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¹⁹ Dekleva, B and Raspotnik, Š.: Čefurji so bili rojeni tu, *Življenje mladih priseljencev druge generacije v Ljubljani*, Institute of Criminology at the Faculty of Law Ljubljana, Ljubljana 2002, page 262.

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OPEN QUESTIONS OF THE NEWLY FORMED MINORITY MEMBERS REGARDING LEARNING OF THE MOTHER TONGUE AND DEVELOPMENT OF THEIR OWN CULTURE

INTRODUCTION

According to the Constitution of the Republic of Slovenia the official language in Slovenia is the Slovenian language, except in areas with Italian and Hungarian national communities, where the official language is also Italian and Hungarian (Article 11). In accordance with international agreements foreigners in Slovenia have all the rights, provided by the Constitution and laws except those provided only to the citizens of Slovenia by the Constitution and the laws (Article 13). The Constitution of the Republic of Slovenia especially provides the implementation of human rights and fundamental freedoms of each individual, whether he is the citizen of Slovenia or not, unless expressly stated in the Constitution that a certain right is reserved for the citizens of Slovenia only. With regard to the problem defined in the title of this article attention should be focused particularly on the provisions of Articles 60, 61 and 63 of the Constitution of the RS, which specify the right of each individual to express one's affiliation with one's nation or national community, foster and give expression to one's culture and use one's language and script (Article 61), and the right to use one's own language and script when exercising one's rights and obligations and, in procedures of state and other bodies which perform public services, use one's own language and script in a manner provided by law. For the right to express nationality no legal regulation is necessary as this is an original right, which can be exercised individually by anyone. For expressing affiliation with one's nation one should not be affronted.¹ But most of all this should not offer cause to incite inequality and intolerance among people.

However, regarding exercising the right to use one's own language and script in procedures before state and other organs performing public services there is a need for special legal regulations, considering that the formulation of the stated constitutional provision does not enable its practical application. In the case of Italian and Hungarian national communities in Slovenia, which have the status of autochthonous community and minority, the Constitution and the

¹ In this context it should be pointed out that it is difficult to express affiliation with other nations in Slovenia. The environment does not positively accept persons who clearly express affiliation with their nation. Even membership in a society which is defined as national by its name is subject to criticism and protest: you who have lived in Slovenia for decades have no place in such a society. A special problem is the changing of surnames ending with the letter »č« into surnames ending with »ć«, especially in the media. Correct spelling of the surname is also a way of expressing one's nationality.

laws regulate the right to use their own language in the area inhabited by such a community. Regarding the use of the language of members of other nations or national communities there are no specific legal regulations, although in accordance with article 62 such a law should be adopted. It is true that the content of the above mentioned constitutional provision may be found in legal regulations which regulate court proceedings and administrative procedures and which as a rule specify the conditions under which an individual has the right to express oneself in one's own language and for this purposes use the interpreter or other means of communication.

INAPPROPRIATE DEFINITION OF PERSONS BELONGING TO OTHER NATIONS AND NATIONAL COMMUNITIES AS NONSLOVENIANS

In the beginning of the 1990s the special term Nonslovenian (capitalized) came into use in the media, professional publications and in political speeches. This term is used to label all members of nations and national communities other than Slovenian. This group of Nonslovenians is commonly composed of citizens of the Republic of Slovenia, who freely declare themselves as persons belonging to other ethnical communities. In my opinion the use of such a term or concept is legally controversial and in any case not appropriate in designating members of other nations. The legal texts of the Republic of Slovenia do not contain the word Nonslovenian. According to the Dictionary of Standard Slovenian this word describes people who are not Slovenians.²

In other states there is no such capitalized word (that I know of) used to designate citizens who are not members of the majority nation by nationality. The use of the term is inappropriate particularly because there is no nation and national origin described as Nonslovenian. There is no special non-Slovenian language, no special culture or non-Slovenian tradition. A nation is always associated with components such as language, culture, tradition, and other. Practically, when an individual is defined as Nonslovenian, it means he or she does not belong to any nation. However, affiliation with a certain nation is a basic human right ensured by the Constitution. If everyone has the right to express their national origin or national community as provided by the Constitution, then an integral part of the culture of others should be to recognize this origin by clearly characterizing nationality.

Many members of other nations in Slovenia feel hurt by such generalized and inappropriate characterization although it is often defended on the grounds that the term is used because it is rational. I believe, however that even rational linguistic devices should not disregard fundamental term used in the Constitution and legal systems, namely members of other nations and national communities as they are described by the Constitution itself. It is interesting

² For further details see dictionary Slovar slovenskega knjižnega jezika, DZS, 1994, p. 667.

that even in administrative court decisions a person is sometimes defined as Nonslovenian. I think that attention should be paid to this in particular by politicians, the media and the human rights ombudsman. If we define persons belonging to other nations as Nonslovenians it is clear that as such they may not demand the right to foster and express their culture, use their language and script, because there simply is no non-Slovenian culture or language.

Considering the fact that the Slovenian legal system for protecting members of other nations introduced the concept of autochthonous nation unknown to international law, the protection of Italian and Hungarian community members and partly the Roma is legally relatively well regulated. These groups are guaranteed the right to education, media, and bilingual business operation, the use of national symbols of their nations and their home countries, and a double voting right with one special minority representative in the National Assembly.

Although the number of persons belonging to other nations and living in Slovenia is much greater they do not have any special rights, and most of all we cannot talk of "positive discrimination" of any kind which would ensure the rights of a rather high percentage of the population within the Slovenian demographic structure. Let's put aside the various professional arguments regarding the dubiousness of the concept of autochthony, although the use of criteria for autochthony would probably lead to the conclusion, that some members of other nations in Slovenia are autochthonous as well.³

In European circles of experts a frequently asked and logical question is, why are there so few minorities in Slovenia even though it has been established that this area has always been multicultural. Today, Italy acknowledges more than 10 minorities, Croatia 22, Hungary also 22, Austria by the means of its constitution 5, and only in Slovenia these minorities, with the exception of two, do not exist.⁴

Regarding Croatians in Slovenia there is no direct information in the daily media about the same type of treatment of persons belonging to this nation as previously received by former Yugoslavian political authorities.

It is interesting that Slovenia, in the process of its accession to the EU, "acknowledged" the Austrian minority in just a few months by concluding a special cultural agreement with Austria regarding the members of the Austrian nation, although the population of this minority is minimal in comparison to

3 1846 census surveys in Austria-Hungary recorded 17,000 "Serbocroatsians" in Slovenia which at the time presented 3.79% of the total population. It is a historical fact that in 1880 a primary school in Serbian language was established in the village of Bojanovci. Tomislav Šuljić, *Tiha asimilacija*, Mladina, 8. 8. 2005.

4 It is interesting that there has been recently discussion of members of other nations in the Slovenian media, if I quote the *Delo* newspaper alone of 16. 10. 1990 which reports that Milan Kučan and Dr. Dušan Plut visited Serbians from Bela krajina. The article mentions that Serbians from Bela krajina do not feel threatened. In the archived report regarding the 1990 plebiscite the following sentence is written: Serbians from Bela krajina firmly in favour of independent Slovenia. After gaining independence, to which also persons belonging to other nations and nationalities have contributed, the persons belonging to other nations are not named anymore except as unknown and non-existing national groups of Nonslovenians which encompasses all of them.

the number of members of other nations.⁵ The attitude towards the question of education of members of other nations is mainly a political question. People of Croatian and Serbian nationality are defined as “typical immigrant communities” although these communities have lived in Slovenia for at least two generations, not to mention the already mentioned unquestionable fact that members of these nations have undoubtedly been living in this area for centuries.

CONCERN FOR EDUCATION IN THE LANGUAGE OF OTHER NATIONS

One of the main components of culture is education. In accordance with the Constitution of RS education is voluntary, except for compulsory primary education, and is financed from public funds, and the state creates possibilities for citizens to attain appropriate education (Article 57). Although education is regulated in detail by numerous regulations, we can't find special provisions relating to education of persons who are declared members of other nations or national community, although Article 61 of the Constitution of RS guarantees the right of all people to foster and express their culture and use their language and script.⁶ It is understandable that it is not possible to express your own culture and use your own language and writing, if a member of other national community is not provided with education in their own language, and the possibility to use their own language and writing, and obtain education about their culture and language within regular schooling.

Slovenia adopted and ratified the Framework Convention for the Protection of National Minorities which in Article 14 provides that “the Parties undertake to recognize that every person belonging to a national minority has the right to learn her or his minority language. In areas inhabited by persons belonging to national minorities, either by tradition or in substantial numbers, and if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and with the framework of their educational system, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instructions in this language.

Regarding the problem of newly formed minorities Slovenia has undertaken to enable persons belonging to other nations to learn their language. In this context it is necessary to point out that in the process of ratifying the stated convention Slovenia simply avoided this obligation by invoking the Constitution

5 That is in accordance with Cankar's observations regarding southern Slavs: “We are brothers by blood, at least cousins by language, and by culture, which is the fruit of separate history we are more strange to each other than our farmer from Gorenjska to a farmer from Tyrol, or a vinedresser from Gorica to a vinedresser from Friuli. Cankar I., 1913, Slovenci in Jugoslovani in Ivan Cankar, Očiščenje in pomlajevanje, 1976, Ljubljana, DZS, p. 97.

6 In the area of education of members of other nations we should be familiar with the fact, that primary school Prežihov Voranc in Ljubljana started classes in Slovenian and Serbo-Croatian language in 1953. In the late 80s around 6000 pupils attended it. In 1992 the education in this language was by decision of the then Ljubljana municipality abolished with the argument that education in Serbo-Croatian language is not suitable for students “who obtained Slovenian citizenship-.

and legislation stating in the ratification document that there are no persons belonging to other minorities in Slovenia except the ones recognized by the Constitution.

This means that this convention is, in view of the standpoint of the Slovenian government that the convention applies only to these two minorities and partly the Roma, legally practically useless to members of other nations.⁷ This shows that Article 2 of the referred to Convention, which speaks of good faith regarding the use of specific conventions, was forgotten, and such a standpoint of the Slovenian authorities cannot be assessed to be in the spirit of good faith.

The Framework Convention provides that a state applies this convention only to those minorities it acknowledges. In this context Article 61 of the Constitution needs to be highlighted as it does not alienate the right of members of other nations to have the possibility to get to know their language, whereby this constitutional provision does not apply only to acknowledged minorities.

The viewpoint of the Council of Europe regarding the implementation of the Framework Convention for the Protection of National Minorities can be interpreted to allow a state to set its own criteria for the application of the Convention but this should not be the basis of arbitrary and unjust differentiation. The Advisory Committee has called upon the Government of the Republic of Slovenia to adopt a more inclusive approach and to take care of the needs of persons belonging to other nations from the area of former Yugoslav republics.⁸

From the Evaluation Report by the Commissioner for Human Rights of the Council of Europe in Slovenia 2003-2005 it can also be perceived that the Commissioner “regrets the reluctance of the Government of the RS regarding strengthening minority protection and encourages Slovenian authorities to conduct a constructive dialog with all the minority groups about necessary measures for improving the position of all the minorities in Slovenia.”⁹

This means that even from the standpoint of international acts, the view that Slovenia should help minorities get to know their culture and help persons belonging to other nations to get familiar with the culture and language of their nation during regular education, is not questionable.

7 We should not forget the fact that the Council of Europe Advisory Committee took the position that such a statement has the status of a declaration and not a reservation.

8 For details see Ferenc Hajos, The Council of Europe's Stand on the Implementation of the Framework Convention on the Rights of National Minorities in the collection *Discrimination on Religious and Ethnic Grounds in Slovenia*, Iscomet, Maribor, 2006, page. 56).

9 See further details in Relevant parts of the Evaluation Report by the Council Of Europe's Human Rights Commissioner in Slovenia 2003-2005 in the collection *Discrimination on Ethnic and Religious Grounds in Slovenia*, Iscomet, Maribor, 2006, page 60).

the passive state AND self-organized EXTRACURRICULAR CLASSES

This task, which is primarily the task of the state is in Slovenia performed by cultural societies which are facing numerous obstacles and difficulties. While it is true that the state does not obstruct the activities of the society in this area it does not have a clearly formulated standpoint and much less any judiciary rules which would regulate this area.

We should be aware that due to the negative social opinion of the public regarding all persons different from the majority, especially “čefurji” and “southern brothers” (derogatory terms used for members of nations from former Yugoslav republics) the state does not support such education in any systematic form. In practice, the societies which organize such education face very practical everyday problems of parents and children who feel, that such extracurricular education carried out in primary schools in the language and culture of their nation is not positively regarded in Slovenian society.

In this connection we are passing a simple initiative that the Ministry of Education or mayors of towns, where the concentration of potential candidates for such education is greater, publicly invite members of other nations to include their children in such additional education, and to assign, at least in bigger cities, primary schools obliged to conduct such education, instead of relying on the goodwill of individual directors or the capability of a particular national society to handle the matter.

We can see that the present passive attitude of state bodies and their reserve in leaving the organisation of such education to individual societies, which have special agreements with particular schools, is not in accordance with the spirit of the mentioned Convention, and is not an act of good faith referred to in Article 14.

The response of parents of children of other nationalities to an invitation from the state or the town administration to sign in their children in additional language and culture classes would be significantly different.

DIFFICULT PROCEDURES FOR OBTAINING AID

The education about the cultures of members of other nations is being unsystematically dealt with by various cultural and other societies whose members are typically of one specific nationality. According to some data there are around 50 societies of members of other nations dealing with promoting the culture of their nation in Slovenia. Obtaining financial resources from different Slovenian agencies means undergoing such complicated administrative procedures that the societies would have to hire a special person competent to prepare programs, write reports on their implementation and perform similar

tasks. Moreover the criteria for obtaining funds are very rigorous.

Some societies are giving up their activities and efforts to gain any means at all due to administrative procedures regarding ways of financing which is minimal anyway.

In Slovenia, the states of persons belonging to other nations are not trying to draw enough attention to this problem through intergovernmental dialogue and are even less willing to finance the activities of cultural societies.

In short, when we talk about education and the possibility of educating persons belonging to other nations in the language of the nation they belong to, is not systematically or otherwise arranged in Slovenia, although in the spirit of the mentioned Framework Convention for the Protection of National Minorities Slovenia has accepted the obligation to take care of this, which is also laid down by its Constitution.

This question is the same as all other questions regarding cultural education and is connected with the legal status of persons belonging to other ethnical groups. It is also a question which at present allows for no discussion because the state does not wish to address these issues.¹⁰

THE NECESSITY OF DISCUSSING OPEN QUESTIONS

A detailed analysis of relations and positions of individual groups of members of other nations would show that there are numerous open questions regarding practical implementation of their constitutional rights and also that these questions do not present merely a legal problem but also a sociological and social problem.

In this context we should also point out that Slovenia will need and will accept more than one hundred thousand people coming from other states, typically from neighbouring countries, by the year 2020. We should not allow Slovenia to adopt the position that what it needs are merely workers while disregarding the fact that these workers are people with needs. It is known that in the past Slovenia invited workers but met with people.¹¹ People from other environments need to fulfil certain rights assured by the present level of social development and legal framework.

It is interesting that so far the persons belonging to other ethnical groups did not present this question as a priority due to political circumstances but I do believe that the time is coming when the mentioned groups will be able to and will have to exercise their basic based on adopted legal obligations of Slovenia, and the state will have to at least offer dialogue and ensure at least those

¹⁰ At meetings of representatives of Slovenia and other countries representatives whose members live in Slovenia, it is often stressed that members of other nations are a bridge between nations, which facilitates cooperation. However, this is merely a polite turn of phrase as such a bridge cannot be built when there is no will to do it.

¹¹ »Newly found minorities are appreciated in Slovenia only as a naive workforce and consumers - we want to sell them things but no one cares about their rights.« (Igor Mekina, Neenakopravne manjšine, Madina, 26. 10. 2001).

minimum standards acknowledged by Europe.

In Slovenia persons belonging to other nations can reasonably raise the question as tax-payers. Do they not have the right to pay with this money for learning their own mother tongue and not only to pay for the learning of the majority language? The right to learn one's language is exercised by acknowledged minorities, and if the learning of the language of the acknowledged minority is paid by the minority that is not acknowledged it is clear that they may question why learning of their language is not financed.

In this area we can't accept the thesis about liberal impartiality and claim that it is politics that promotes exclusively those ways of life which suit its policy regarding ethnical structure. Undoubtedly the phenomenon of assimilation of particularly the second and third generations is present, although the term used is integration of members of non-autochthonous or ethnically and culturally different citizens, when in fact it is silent assimilation. The present state can be defined as a structural injustice in Slovenian society, which should at least be openly discussed, because the initiation of such a discussion will sooner or latter have to take place.

The authors point out that authors dealing with these issues should be aware that while the Convention may not be legally binding regarding offering a helping hand to other national and ethnical groups in learning their language, the Convention at the same time does not permit the establishment of an isolated social culture.

IS EDUCATION FOR THE COEXISTENCE OF DIFFERENT CULTURES ONLY POSSIBLE AS A SUBVERSIVE ACTIVITY OF THE TEACHER?

INTRODUCTION

Education is defined as a teacher's intentional activity based on universal values. It is one of the most demanding human activities and the results are never completely satisfying to us educators. Therefore the theory of education stresses the importance of the quality of the educational process and researches the conditions under which it can be conducted with quality. The society and school have a task of providing the best possible conditions for establishing a desired educational activity, in our case education for coexistence, one of the educational goals of Slovenian school system which is also written down in our laws. This article presents the conditions for educational action and tries to answer the question, to what extent we are actually providing these conditions in Slovenia.

THE CONDITIONS OF EFFECTIVE EDUCATIONAL CONDUCT

In pedagogy our conclusions are derived from the thesis that education and upbringing depend on society and are as such always linked to other social phenomena. Therefore they cannot be perceived as separate from society, its structure and changes. However, it is not true that they are determined solely by society. There is much research which proves that school has the power to transform - to a certain extent it can achieve educational goals which are not commonly endorsed by society. Therefore we may say that the school, teachers and pupils alike, also has a subversive power.

In the last few years such research is focused on the area of the potential of schools to overcome negative effects of social stratification on the pupils' study and career success. At the moment we can note a relatively high level of optimism on the global scale - school's potential for overcoming class divides is perceived as relatively high. Researchers see the evidence in the results of international evaluations of knowledge which show that a suitable school system can significantly reduce the differences between the success of pupils coming from majority and minority social groups. (in Slovenia, e.g. Gaber 2006,

Peček, Lesar 2006 and others). However, school systems which are successful in this and which at the same time are considered as the most effective can be found in states with a similar common denominator - devotion to equality and a welfare state. That is why we still cannot ignore Athusser's argument (1980) that the influence of the superstructure is as strong as allowed by the base.

We may speak of two basic conditions under which educational goals in school can be achieved. The first condition is unity between society and school: educational goals concern particularly the common values and civilization norms, which are realized by the state on all levels of regulating the life of its citizens.

The second condition is the unity of educational practices in school - the more consistent the educational factors are the greater the probability of successful education. Absolute unity of course cannot be achieved as contradictions are an inherent part of educational goals. (Schmidt, 1975).

THE CONCEPT AND NECESSARY CONDITIONS FOR EDUCATION FOR COEXISTENCE OF DIFFERENT CULTURES

Traditional European humanistic pedagogy has sought educational goals by researching human mentality and spirituality and has shaped them in accordance with its perspective of the human need for spiritual and moral development. Education was understood as a process of progression towards human excellence which is visible as the development of culture and civilization. Educational goals were not linked with direct social needs. But once pedagogy did accept sociological discoveries that society determines educational practice, especially in the beginnings of mass schooling, the social aspects of education came to the forefront. This means that educational goals are no longer autonomous but co-defined by the functions of mass schooling in modern society. It is owing to sociology and related sciences that the aim, common to the majority of pedagogic efforts, became a tendency for democratization of schooling - fulfilling the principles of equal opportunities and justice (Medveš, 1987). This meant a giant shift in justifying education which became, as claimed by Medveš, "a mechanism for solving problems of a social system as a whole [...], a process on the borderline between the system and life" (ibid.: 170).

The main motive for greater attention to education for coexistence between different cultures comes from the outside - it was brought by the development of the "philosophy" of human rights and related civilization and legal norms and the phenomenon of mass migration caused by globalization and corporatism. The society presents the school with a demanding task: teaching the young to live in coexistence with diversity: it is supposed to teach children not to fear but to understand diversity, to recognize discrimination in practice and to avoid it, and to conduct democratic discourse.

does slovenia meet the conditions for establishing education for coexistence?

We wish to find out whether the different levels of school system work in a unified manner in the sense of creating conditions which enable the teacher to educate pupils in the spirit of education for coexistence in diversity. We will focus on ethnical or cultural minorities although the same logic applies to all minority groups. We will examine some messages which form the foundation for enabling or disabling the education for coexistence. Messages communicating values reach the teacher and pupil from numerous sources - the more of them that are in favour of education for coexistence, the better are the chances of actually providing such education. Let us take a look at the messages received by our pupils to find out where we stand.

1. Messages from society to the school

I will not go into details regarding social messages since this encompasses everything that is discussed by other members of the conference. Young people today are receiving different, sometimes contradictory messages regarding the attitude of the majority population towards different minorities. Based on surveys of public opinion and the values of youngsters in Slovenia (e.g. Toš, 1995; Miheljčak, 1993, Dekleva, Razpotnik, 2002 and many others), the presence of hostile speech in the Slovenian public (see Annual Reports of the Human Rights Ombudsman), the failure to respect legislation, the criteria to qualify as a state governed by the rule of law (the “erased”, the Roma, asylum seekers and others) we may conclude that young people are receiving a great number of messages, which strongly obstruct actual implementation of education for coexistence, because they create an environment in which hostility towards people different from us is the order of the day. In such conditions education in the belief which accepts diversity as a potential and not as a threat to society is very difficult. The school and the teacher must in these circumstances rely on general civilization norms and oppose discriminatory and stereotyped viewpoints with criticism. Such educational action requires a strong personality and adequately qualified teacher with resolved issues regarding prejudices and possible discriminatory practice and who is appropriately trained to carry out such a demanding educational process. It should be supported by a corresponding school climate. However, the latest research regarding views of Slovenian teachers (Peček, Lesar, 2006) shows that their views do not differ from the views of other citizens, which is the first indicator of serious obstacles in fulfilling the goals of education for coexistence.

2. Messages from school legislation and conceptual documents

Slovenian school is based on the goals of providing optimal development

of the individual regardless of his or her sex, social and cultural background, religion, national origin, physical or mental constitution; and on education for mutual tolerance, respect of diversity and cooperation with others (the first two goals of education in Slovenia, Organization and Financing of Education Act (ZOFVI)).

The White Paper on Education in the Republic of Slovenia (1997), still the fundamental conceptual document of the Slovenian school, is based on the mentioned goals. However, this very document acknowledges only girls as a traditionally discriminated group, not other social groups. The latter are discussed only in a paragraph about populations coming from less advantageous environments regarding culture and socialization (ibid.: 22, 23) for which the White Paper assumes organization of additional activities, which should compensate for the lack of socialization. The key problem is hidden in the term lack of socialization: children from either smaller ethnical groups (children of immigrants from former Yugoslavia, the Roma) or poor families are labelled as children with deficiencies and not as different. In an age which accepts the humanistic presumption of equality of people and culturally relativistic presumption of equality of cultures, such a view is extremely problematic and counterproductive. It tailors school in compliance with majority standards and requires minorities to give up their specific identity and culture. We cannot have education for coexistence between different cultures if different persons are not accepted as equal.

What we also should mention is the attitude of the Slovenian state towards mother tongue classes in public school. Although we are aware that to master the mother tongue is one of the basic conditions for successful learning of foreign languages and in general for good grades, the state is obstructing if not refusing the right to learn the mother tongue to all those citizens and inhabitants of Slovenia whose mother tongue is not Slovenian (the number of such pupils is not known but the 2002 census tells us that 12.3% of the citizens stated that their mother tongue is not Slovenian). Only members of the Hungarian and the Italian community have the possibility to learn their own language and Slovenian as a second language but only in schools in areas declared as nationally mixed and not in other environments. The state may under Article 8 of the Primary School Act “in compliance with international contracts” organize classes of other mother tongues of our citizens. Because such activities can be financed only by signing a contract with a relevant foreign state it seems the message to Slovenian citizens is that these people are not really one of us. We shift the responsibility for their well-being onto the state they originate from (most often it is the second generation) but do not intend to return to.

Despite declarative commitment to education for coexistence and

respect of diversity, these principles are not applied smoothly in concrete practice even at the highest level. How can we respect someone different from us, if we cannot accept them as our equal? Kroflič (2006) writes excellently about this by employing an analysis of the European spiritual tradition to define three metaphors for “otherness” among which is the metaphor of the noble savage - primitive and barbarian human who has on the other hand retained a human primal nature. As we like to say for the Roma (and even write this down in the Instructions for adjusting the primary school programme to Roma pupils!), their special inclination for singing and playing instruments has to be encouraged, compensating for their poor success elsewhere.

3. *Curricular messages*

A share in the fulfilment of goals of the education for the coexistence is also contributed by curriculums and the conceptualization of the knowledge they contain. Curriculums are a selection of knowledge from the collective treasury of human knowledge and because it is a selection, this is also a matter of interpretation and thus a political question. It is definitely not insignificant what information is included in the education of the wide masses (a question of selection), and how it is interpreted (what kind of values and world view it reflects).

A look at the Slovenian curriculums for the nine-year primary school gives an interesting insight. Among them there is no curriculum which does not set education for coexistence (in different formulations) as one of the priority general goals. But an analysis of curriculum content and operative academic goals shows that curriculums, which could potentially enable such education, are far and few between. If we limit ourselves to the education for coexistence between different ethnic groups and cultures the following is clear.

In the curriculum for geography physical geographical topics prevail, i.e. which explore the relationship between humans and nature, and not the relationship among people, which would be expected as a theoretical basis for the education for coexistence of different people. The curriculum is supplemented with some social and geographical topics, e.g. racial discrimination but merely in the context of the geography of North America and the South African Republic. Pedagogy teaches us that knowledge affects the perception of the pupil when the knowledge is relevant to his or her experience of life and the environment he or she lives in: if discrimination is taught as a problem of two distant societies and not ours the educational effect of such learning is minimal.

The curriculum for history is limited to the history of western civilization and numerous topics are dedicated to Greek and Roman culture. They are both presented in a positive light regarding their values while the negative aspects of colonization are omitted or unquestioned.

Furthermore the cultures not forming part of the western civilization are always presented in relation to it and not as interesting and worth knowing for their own sake together with the reasons for their viewpoints (e.g. we still talk about great world discoveries).

The curriculum for the Slovenian language is designed as a curriculum for learning the mother tongue as if Slovenian were the mother tongue of all pupils. Although it is a document of the Slovenian state it addresses only those citizens whose mother tongue is Slovenian therefore the document is exclusive. The state does not even offer a curriculum including Slovenian as a second language (so-called language of the environment).

The curriculums for foreign languages link education for the coexistence to discovering other cultures which is enabled by learning foreign languages. But which cultures? They both plan only learning the cultures of these foreign languages. Therefore the question, to what extent we can develop respect for different cultures, also minority ones and overlooked, is only a rhetorical one, if we only get to know those cultures we wish to copy (English, American, Canadian, German, Austrian etc.).

In addition the curriculums are not written in a manner which would encourage teachers to link relevant academic subjects with the history and culture of their pupils coming from minority groups, nor do they envisage acquainting pupils with the culture and history of their families (they do so to some extent but only at the subject of Civic Education and Ethics).

Primary school curriculums of some important academic subjects therefore do not include immediate problems of racial and ethnical discrimination but build a Europe-centric world view and the language of the majority is treated as the language of all. It is as if our state aims to teach our children to live in a single-cultural and monolith society in which persons belonging to other cultures have to assimilate if they wish to be its accepted and equal members.

4. Messages from the teacher

Slovenian pedagogy already has some knowledge about what teachers are communicating to their pupils and how they interpret the knowledge and views contained in the documents mentioned. (Peček, Lesar, 2006, Krek, Vogrinc, 2005, Ermenc, 2004, 2005, 2006). Research has shown that teachers are more or less blindly following the written messages. Let us give some examples.

Many teachers encourage pupils from "non-Slovenian" families to speak Slovenian in school as much as possible and many of them feel it would not be bad if they also spoke Slovenian at home. The majority of teachers are not aware that this is harmful to the quality of proficiency in their mother tongue and Slovenian language and that such demands

violate the human rights of pupils.

Verbal messages concerning other cultures, particularly from former Yugoslavia as well as others, are full of unresolved stereotyped notions and prejudices. They do not seek or use knowledge about the cultures and histories of their minority pupils.

Teachers do not know how to solve conflicts, which arise among pupils in connection with listening to "their" music and physical appearance by applying values of coexistence and cooperation, and instead uncritically accept the opinion of most pupils about the minority that it apparently forces their views on the majority.

Teachers are not sensitive to cultural and linguistic particularities which influence their comprehension of input and expectations at school. Therefore minority pupils either seem weird or are forced to learn by heart. Particularly in the case of the Roma and children of immigrants, the teacher's incapability to separate between two levels of language proficiency - the proficiency for everyday communication in Slovenian and the proficiency for discussing abstract notions - leads to the situation where the Roma pupils hit an "invisible barrier" in sixth or seventh grade, which practically disables them from further education while the children of immigrants more frequently end up in less advanced or vocational secondary schools.

The expectations teachers have from various groups of minority children are low, which explains their poor achievements as well as inadequate attitudes. One of the major factors of academic success is the expectation of the teachers (and pupils and parents) what is the maximum success a pupil is capable of. The logic is quite simple: the more we expect, the more we get; the less we expect, the less we get. No matter how high the quality of education for coexistence is, it is useless if it is not accompanied by the care for improving study results of minority pupils.

CONCLUSION

We cannot ignore the conclusion that the mentioned messages are very consistent which shows their great educational power. Unfortunately they speak against the possibilities to put education for coexistence into effect. Even if we try to find positive examples there are only few. Therefore I claim that Slovenian school and society have not established appropriate conditions for the education for coexistence and cooperation. Pupils are not raised in a spirit of respect for otherness and learning of solidarity with different persons. If we sometimes do succeed in this then it is not due to prevailing educational messages but in spite of them!

Can the goals of education for the coexistence between different ethnical,

national, religious and other communities be realized in the given circumstances? A small chance still exists and it depends on each individual teacher. A teacher who is critical enough towards public discourse and the broader school discourse. A teacher who in his or her work derives directly from modern civilization norms and values, which we (almost all of us) advocate on a declarative level but still cannot live by them. Such a teacher to whom these values serve as a basis for the assessment of what is good in terms of knowledge, behaviour and relations established in school. And also such a one who constantly develops his or her sensibility for the characteristics of the pupils, who are not marked only by their capabilities, but (above all) social, cultural, sex, ethnical, and language group they belong to, which enables the integration of the study process with the life experience of the pupil. The latter is recognized in pedagogy as one of the essential conditions for academic and educational success. May we not define such behaviour on part of the teacher, in view of the unified standard practice in our environment, as subversive?

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the attitude of the slovenian population towards islam

INTRODUCTION

Slovenia is one of the rare European countries, which in spite of its 2.4% share of the Muslim population¹ does not have a mosque.

Muslims living in Slovenia filed a request for building the mosque in Ljubljana as early as in the year 1969, but still have not received a permit. What kinds of fears of Islam are haunting Slovenians, that they do not allow their Slovenian co-citizens of Muslim creed to exercise their fundamental constitutional right? How well does Slovenia know Islam to judge and form views, which consequently influence the relations between Muslim and non-Muslim population, and incite intolerance? What can the members of the Islamic religious group in Slovenia do or wish to do for the establishment of a better dialogue with the wider public?

SLOVENIAN NOTIONS ON ISLAM - SHORT OVERVIEW

Slovenian territory first encountered Islam in the period of Turkish invasions. The first such encounter took place in 1409 on the utmost south of the Slovenian territory, in Metlika, and many followed. Historians, among them Ignacij Voje, the most eminent expert on Turkish invasions in Slovenia, divide them in three periods: Turkish invasions in the years 1408-1483, Turkish invasions in the years 1491-1499, and in the years 1511-1559 (Voje, 1996).

Turkish invasions surely represent one of the darkest periods in Slovenian history. Through folk poetry and storytelling Slovenian collective memory preserves the memory of the horror, which accompanied invasions of the Ottoman cavalry units, which were robbing, killing and hunting people for slaves. The invasions, which had little to do with the Islamic religion, are still leaving a trace when public opinion and attitude towards Islam are formed in Slovenia.

The Turks and their religion were seen as something completely “different”, foreign and dangerous through entire Slovenian history. The word Turk is used

¹ By the census data from the year 2002 there were 47488 members of the Islamic religious group in Slovenia. Source: Statistični urad Republike Slovenija, Popis prebivalstva, gospodinjstev in stanovanj 2002.

as a swearword or as a name for a person one does not like. Already in 15th century the word Turk was replaced with words such as hereditary enemies, horrible tyrants, bloodthirsty and rabid dogs, scavenger birds, beggars and arsonists. It is interesting that farmers used the word “catholic Turk” for the aristocracy and upper class, more precisely for the inhabitants of the castles (Pašić, 2002, 97).

Slovenian Protestants in the middle of the 16th century paid special attention to Turkish problems. Jurij Dalmatin (1547-1589), the first man who translated the Bible into Slovenian language talked about them as »godless dogs«, Primož Trubar (1508-1586), who grounded Slovenian language and wrote the first Slovenian book (Katekizem in Abecednik), believed in converting Turks to Christianity, which should have stopped the invasions, therefore he regularly visited the Turkish prisoners in the Ljubljana castle (Rajhman, 1986).

The most important Slovenian poet France Prešeren (1800-1849) is the first Slovenian poet, who touched upon Islam in his own way. In his poem Sonetni venec Prešeren mentions Muslims as “Muhammadan”, and the poem Turjaška Rozamunda (Rosamund of Turjak) is (among others) about Bosnian woman Lejla, who abandoned the religion of Mahom and converted into Christianity. But among Slovenian poets we can also find the rare few, who know the Islamic topic better, and even have some sympathy towards it, for example Anton Aškerc (1856-1912), who, after finishing study of theology, started researching Islam and Buddhism, to gain new insights. But one of the more influential tales, which touched the hearts of Slovenian readers, is the novel by Josip Jurčič (1844-1881), titled Jurij Kozjak, slovenski janičar (Jurij Kozjak, Slovenian Janissary).

Jurčič writes about a Slovenian boy, who became a janissary, and from whom the Muhammadans tore Christian culture and instead of the religion which taught him to love others they taught him Muhammadanism, which teaches to hate, kill Christians, and destroy their religion.

A lot of Slovenians, when the word Islam is mentioned, immediately think of this black historical period.

There is not a lot of literature about Muslims in Slovenia, and even less scientific studies which would authentically present the topic of Islam history in Slovenia, the attitude of the wider public towards Muslims in Slovenia, and attempts and desires of the Muslims to find their place in the Slovenian environment, in a religious and wider cultural sense. That of course is interesting, because the question of building a mosque in Ljubljana is one of the central topics in the media and public debate.

Two (relatively) isolated studies of the attitudes of the media and public opinion towards Islam are the works of Ahmed Pašić (Pašić, 2002) and Srečo Dragoš (Dragoš, 2003). Pašić ascertains that despite the fact, that Muslims have a constitutional right to have a mosque, there are difficulties with public opinion, because Slovenian phobia from Islam is strong, although the majority of the Slovenian population does not know a lot about Islam or Koran (Pašić, 2002,

112). Pašić continues by claiming that the responsible authorities are using double standards, and presents the case from 2001, when Pavle, the Serbian Orthodox patriarch visited Slovenia, and Slovenian authorities welcomed him with all honours, although as Pašić claims, he “gave blessing” to the massacre of 8000 male Muslims in Srebrenica in the year 1995. The same year the chief of the Islam community in Bosnia and Herzegovina Dr. Mustafa Cerić, came to visit, but was not accepted either by the then mayor of Ljubljana, Vika Potočnik, or by the archbishop Dr. Franc Rode, due to their prior obligations. (Pašić, 2002, 112). Pašić in his analysis goes further and takes a look in the newspaper archives, and presents two articles from daily newspapers regarding building of the mosque: 6. January 1994 there is an article in the newspaper Delo titled: “NSZS Demands Pulling down Mosques,” which is about the demands of the National Social Association of Slovenia to pull down the mosques in Slovenia. It is obvious why the article is paradoxical, because there are no mosques in Slovenia. Another example is the article from Slovenske novice, published on 5 May 1997, in which the author Igor Kršinar under the title “No Space for the Mosque” warns against Nostradamus’s prophecy that the time will come, when the wave of Islam will flood Christianity in Europe, and the “Mohammedan” call to prayer will be heard everywhere (Pašić, 2002, 113).

More cases are presented by Srečo Dragoš, who as a member of group for monitoring intolerance within the Peace Institute analyzes, among other things, political standpoints towards Muslims in Slovenia. The characteristic of Slovenian politics (domestic and foreign) is, that it does not like make a stand regarding delicate issues, says Dragoš, and Slovenian politicians take a standpoint regarding attitude towards Muslims only if they have to, because it is a delicate issue. By Dragoš intolerance towards Muslims was not caused by the events on 11th September, but is present in Slovenia from earlier, because the efforts to build the mosque are thirty years old, but all the attempts to decide the location were unsuccessful. This should be obvious proof that the building of the Muslim religious object in Slovenia is systematically avoided; the question is whether these are spatial, social or mental obstacles. The results of the survey about the public opinion towards building of the mosque from the year 2002 show, that 42.3% correspondents support it, 42.3% are against it, and 5.3% support it under the condition that the building “will not stand in my immediate vicinity” (Dragoš, 2003, 53).

By Mark Kerševan the long duration of the decision making, or the putting off of the decision regarding mosque in Ljubljana, shows that the discussion regarding it is extremely burdened with very contradictory views and principles, and also with very material and symbolic interests, prejudices, ignorance ... (Kerševan, 2005, 184).

In his opinion, we can take the “relieving” fact that we are not the first or one of the first to decide for a mosque. “if we have a mosque in Rome, the centre of (Catholic) Christianity and antique European history, if we have a mosque in the centre of London, the metropolis of former colonial master of the large part of

the Muslim world, if again we have a mosque in Andalusia, the land of the hard and disputed Christian Reconquista, if we have a mosque in Zagreb, the capital of once a very threatened country by Islamic state, but never conquered, if we have a mosque in Dublin in ultra Catholic Ireland without historical connections with the Islamic world, not to discuss France, Germany, Scandinavian states - what would a mosque in Ljubljana signify? And what would be the significance of having not one mosque in the Slovene capital?" (Kerševan, 2005, 184-185). But if we link the Slovenian example of the public and media attitude towards Islamic question, with Ziauddin Sardar, we can see that Slovenian intolerance towards Muslims is not an isolated European example. Sardar says that the past events in Bosnia and Herzegovina are the clearest characterization of the dilemma of the Muslim communities in Europe, and Western societies in general. In facing the West Muslim communities – either local (e.g. in the Balkan) or immigrated (as is the case in Europe, North America and Australia) – are confronted with the cruelty of racism and religious and ethnical intolerance (Sardar, 1995). How should the Muslim communities preserve their identity? Should they integrate, assimilate, isolate or even emigrate?

According to Kerševan the attitude towards Muslims and Islam in Europe today - and therefore in our country - is one of the decisive tests of the viability of the principles of Western civilization, the test of its basic principles of arranging everyday life, while the right to build the mosque is something deriving from our most basic constitutional and legislative principles, more precisely the ones, which are at the same time a direct expression of the internationally announced human rights, by which "every person has the right to express his or her religion or belief, either alone or in a group, either privately or publicly, by worship of God, classes, religious practice and rituals." (Kerševan, 2005, 185-187).

Slovenian notions about Islam are, as we already mentioned, roughly similar to general "Western" notions.

When discussing Islam in the West, a lack of knowledge about this religion and traditions is mostly shown. As Bashy Quarishy (2003) says, the West invented "Islam" which suits it, and which best fulfils Western political and psychological needs. The stress is on antithesis East-West instead on the diversity of the Islamic countries. In this way the West forms and protects European identity. Tomaž Mastnak (1998, 16-32) says, that the hatred towards Muslims was the key element in forming Europe as one of the historical forms of Western unity; we can not understand the history of Europe, if we do not consider its attitude towards the Muslim world, because the antagonism between Europe and Muslims helped to form the European identity and constructs of the Muslim world as an antithesis to Western Christianity. Hatred towards "the Turk" is the factor that has played the key roll in forming Europe as a political community while anti-Muslims ideas and sentiments are key elements in forming its collective identity.

We should not forget that Islam is and has always been a European religion.

Centuries of its presence can be followed from Spain and Sicily to the Balkan and different parts of Eastern Europe. For those who cannot understand historical presence of Islam in Europe, this presence still represents underdevelopment, something alien on the European grounds, which should be erased already with the defeat of the Ottomans.

Islam has, in the same way as Christianity, many faces and developed in many places, therefore a series of cultural, political and economic, and of course geographical and racial factors was included in the process of forming the social and individual identity of the Muslims. Islam is at the same time a doctrine and ideological system, and also a social phenomenon. There are many manifestations of Islam in different Western countries, because the Muslim communities in Europe and USA are composed of Muslims from different cultural environments. And although we can say that we are dealing with only one Islam as a religion, there are many manifestations of the Islam as such. In Slovenia, the same way as in Bosnia, we are dealing with European form of the Islam.

But from experience we know that the wider European public perceives this fact differently. The very perception of the Muslim as a Muslim, as a member of a different religious group, is linked with certain stereotypes. The same goes for Slovenia.

Positive presentation of our own society as democratic, developed, free, even tolerant, and on the other hand negative presentation of the Islamic society as an opposite of everything stated above (thus undemocratic, unequal towards women, undeveloped, violent, intolerant) came through quite clearly in the Slovenian public debate of the question of the building of the mosque.

In her graduation project with the title Images of Islam in the Newspaper Delo, Polona Urh presented more interweaved and interdependent reasons, on the basis of which West European (among them Slovenian) and American media are, under the illusion of religious tolerance, encouraging intolerance towards Islam. These reasons are:

- The history of Europe from the Middle Ages on (invasions of Muslims into Europe - Turks in Vienna, Moors in Spain).
- The recent history in the second half of the 20th century: from the difficulties, which accompanied the announcement of Israel, to the dramatic price rises in the oil crisis, Iranian Islamic revolution etc.
- Terrorist attacks on the USA on 11 September 2001.
- Poorly informed journalists.

Journalism as a business, the commercial orientation of journalism, which sells sensational news and is not interested in Islam as a religion and its culture, art, history, society etc., but cliché news items which people like to read, and which reinforce their stereotypical views.

Urh establishes that, next to otherwise objective reports of the main Slovenian newspaper Delo on problems regarding the mosque and the attempt to raise awareness of the readers about Islam, in the discussed period of the year 2003

not a single comment of the member of the Islamic community, and nor a single interview with a member or with the Slovenian mufti was published (Urh, 2003). 28).

Ahmed Pašić analyzed 132 articles from the Slovenian daily press from the year 1999 (2002, 116). According to Pašić out of 132 articles about Islam only 16 reported about it in a neutral manner, and half of them were from the newspaper Večer. The other 116 articles were divided by the type of prejudice:

| The most common prejudices | Number of articles | In percents |
|--|--------------------|-------------|
| Spreading religion with fire and sword (terrorism) | 45 | 38,8 |
| Global fear of Islam and “Islamic fundamentalism” | 42 | 36,2 |
| Sects and Islam | 14 | 12,06 |
| Oppression of women | 7 | 6,03 |
| The building of a mosque in Slovenia | 4 | 3,4 |
| The status of Jesus and Mohammed in Islam | 2 | 1,7 |
| Confusion of the terms Muslim and “Muhammadan” | 2 | 1,7 |

According to Pašić, 88% of the articles from the Slovenian daily press are written using prejudices, unverified information, biased misleading of the public and lies. Pašić finds writing in the style, which breeds fear of Islam seen as the “a new enemy”, “different” and therefore dangerous. There were 42 (38.8%) such articles (Pašić, 2002, 117).

By analyzing articles from the Slovenian daily press from the years 2005 and 2006 one can detect changes regarding objectivity of the reporting. 47 articles were analyzed. The majority (14 articles) is still dealing with the problems regarding building of the mosque, mainly with setting the location and financing the building of the facility.

An interesting novelty is the appearance of comments of the members of the Islamic community in Slovenia about complications in searching for a location, who publicly admit, that the mosque is obviously an entirely political question, which is why they fear they will not be able to purchase the land for it (comment by the secretary of the Islamic community Navzet Porić in Delo, 13.9.2006), and distinguished citizens are calling for the mosque in the centre of the city, because it is not cultural to build a religious facility outside the city (for example Stane Granda in Žurnal, 30.6.2006).

8 articles research and point out the complications within the Islamic community in Slovenia (establishment of the second Islamic community in Slovenia, and a dispute with the former mufti Osman Đogić), 11 articles present the new mufti in Slovenia, 5 articles comment on the dispute caused by the caricatures of

the Prophet, and the other analyzed articles encouraged dialogue between religions, present the Islamic centre and the holiday Ramadan. Slovenian mufti Nedžad Grabus got the opportunity to publish his opinion about European attitudes towards Islam and the relations between religions in the column *Gostujoče pero* (Visiting Pen) (Delo, 20.9.2006).

Despite the improved image of objective reporting on Islam and Muslims in Slovenian media, one has to point out the elections for the mayor in Ljubljana in October 2006, when the mosque was one of the main topics in addressing the potential voters (for example *Žurnal* 22.9.2006, which published the interview with the candidate for the mayor F. Arhar under the title: “Mosque not a Programme Priority”). We can also notice, that some media are still using typical stereotypical representations of the “problems with the mosque” due to already mentioned marketing orientation of journalism and sensationalism (example: weekly *Žurnal*, 25.8.2006, which next to the title “Complications with the Mosque” published the picture of three covered women in black burkas. The comment that we will not see them on Slovenian streets is not necessary.

In spite of the fact that objectivity of the reporting on Islam and on the question of the mosque is improving in the Slovenian media, the fact that Slovenian Muslims still do not have their religious facility remains.

OPINION POLL among members of the ISLAMIC RELIGIOUS GROUP IN SLOVENIA

The opinion poll I conducted among Islamic communities in Slovenia highlights the difficulties with which the Slovenian Muslims are faced, and at the same time shows their frankness and willingness for dialogue with the wider Slovenian society.

Islamic community as an organized institution has existed in Slovenia since 1991. Before, there was only one parish or “džemat”, which was established in 1967 in Ljubljana and was administratively connected with Zagreb, while the centre was in Sarajevo. First they gathered in private apartments, and after the year 1991 there were thirteen local communities (džemats) organized on the territory of Slovenia. In džemats also religious education and other cultural activities, as for example learning Bosniak language, the publishing of the newspaper *Bošnjak*, and editing of their web page (<http://slotekbir.net/>) takes place. In Ljubljana, the society of Bosnian and Slovenian friendship Ljiljan was established.

The motive of the poll was to find the answers to questions about the attitude of the wider Slovenian public towards Muslims in Slovenia, and most of all to find common ground on which dialogue could be developed, without causing the injury to the personal identity of the Muslims in Slovenia. While conducting the poll I was mainly interested in finding out what are the most burning issues

regarding the attitude of the Slovenian public towards Muslims, although we are talking about Slovenian citizens of the Islamic creed, and what problems are the Slovenian Muslims facing within the organization (Islamic religious community). Among other things I was also interested in what can the members of the Islamic religious group do for better "promotion" in public...

As to the methodology, the poll is consistent with the type of the interview or qualitative type of research, meaning that the attention is focused on open questions, which are shaped by the respondent by his or her own judgment. For that very reason the quantitative sample of those, who have answered to the poll, is hard to establish. Altogether we sent 85 questionnaires, and received 17 filled out replies. The majority of those who filled out the questionnaire are of both sexes, aged between 19 and 33; three respondents aged between 43 and 57 are male, and the one male respondent is 81 years old.

The majority of those from the first group (between 19 and 33 years) have higher or university education, or is still studying. They are born in Slovenia or they came to Slovenia as children, therefore speak good Slovenian and have Slovenian citizenship. To the question what defines them as Slovenian citizens, two types of answers prevail: that they pay taxes, and speak Slovenian language. a 19 years old student claims, that she is defined by the birth in Slovenia, although the citizenship does not mean a lot to her.

The ones older than 40 years and have been in Slovenia for a longer time, speak or understand Slovenian language, and they define themselves as Slovenian citizens due to their Slovenian citizenship.

The answers to the question, what is the attitude of the Slovenian public towards Muslims in Slovenia, are divided. Three persons think that the attitude is good. Four persons think that it could be better, or that things are improving, but ten of them think that the attitude is negative. They mentioned intolerance, not knowing Islam, prejudices, fear.

Regarding the question, what bothers them the most about the attitude towards Muslims in Slovenian society, they again underlined not knowing of Islam, its equation with terrorism, xenophobia, stereotypes, the attitude of the state towards others and difference, and of course more then 36 years of waiting for the appropriate religious facility, where they could normally pray.

The answer of a 33 years old woman, who has lived in Slovenia already for 26 years, is very interesting, because she says that what bothers her is the opinion of the Slovenian public, that Muslims have only lived in Slovenia since the war in 1992, and not for more than 50 years. She is also bothered by equating Bosniak Muslims with the Muslims in Islamic states.

To the question regarding the attitude of the media towards Muslims in Slovenia, 10 of them think, that it is good or it has improved, mainly due to exposure of the question about the mosque and Islamic cultural centre. The other 7 persons say, that the attitude is negative. And a 43 years old respondent from Koper says that the Muslims are also to blame, because they do not make enough effort in gaining media space, so that they could say things about Islam themselves.

A male from Kočevje, who did not reveal his age, says that the attitude of media towards Islam is probably the same as it is towards Christianity and other religions. He referred to sensationalist media stereotypes - with Christianity paedophilia, rapes of the nuns etc., and with Islam terrorism.

To the question, which are the most widespread stereotypes about Muslims in Slovenia, the majority specify: polygamy, oppression of women, lack of schooling for women, equating Islam with terrorism and Muslims with Al Qaida, and the mosque with the centre of organized terrorism, and also the stereotype of "Turk the conqueror" or barbarian (sporting a sword and turban).

To the question, what could the Islamic community in Slovenia do for better relations with the wider public and for better understanding of the Muslims in Slovenia (for example, more presentations of cultural heritage, more literary translations, theatrical shows, lectures etc.), 9 of them think that the most beneficiary would be public lectures and seminars, and also programmes on television which would present Islam, Muslims and Bosniak culture.

Two of these 9 emphasize that the Islamic community does not have appropriate premises for round tables and seminars, and a 19-year-old student from Škofja Loka says, that Slovenians are too demanding and that they should put some effort into getting to know Islam themselves.

Four of the respondents are critical towards the activities of the Islamic community: they emphasize the need for inner reorganization and mobilization of the young educated members of the Islamic community, who would organize different lectures, workshops, translations, web pages, write for local and state newspapers and appear on radio and television. They also emphasize the need for human resources, who would be experts on Islam and educated for public relations. To the question of what in their opinion are the main weaknesses of the Islamic community in Slovenia, four emphasized the lack of facilities or Islamic centre, three point out the disagreements within the community, and two underlined the lack of openness to the public and acquiescence towards the state. A 20-year-old pupil pointed out the diversity and clash of opinions regarding basic questions on Islam, a 26-year-old man emphasized inequality, low level of education of the management, the closed nature, short-term outlook and refusal to cooperate actively with the society. Three answers highlight the poor inner organization and coherence, and also lack of media activity, too strong attachment to Bosnia and Herzegovina, lack of flexibility, poor personnel and unsuitability of the Imams in Slovenia.

CONCLUSION

Many issues regarding the attitude of the Slovenian public towards Muslims living in Slovenia remain open. We should be aware that the Muslims in Slovenia are Slovenian citizens, with all the rights and obligations that citizenship brings. The projection of doubts, stereotypes and general "Western" view,

and similar generalizations of the Muslim problem is the consequence of poor familiarity with Islam in general. Muslims in Slovenia need the mosque as a sign of equality and their recognition by the wider public. That's the only way that they will be able to enter into a dialogue with Slovenia society "comfortably" and contribute to widening cultural and social horizons. Including their own.

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COMMENTARY AND RECOMMENDATIONS OF INTERNATIONAL CONTRACTING BODIES REGARDING IMPLEMENTATION OF HUMAN RIGHTS AND PROHIBITION OF DISCRIMINATION STANDARDS IN SLOVENIA

Discrimination, direct or indirect, threatens, reduces or disables exercising and enforces human rights and fundamental freedoms. It is world known phenomena, without any exception in Europe and even less in Slovenia. Discrimination is forbidden by many international documents, supervised by international contracting bodies, differently composed and with different procedures. This article will represent the analysis of commentaries and recommendations of international contracting bodies regarding implementation of human rights and prohibition of discrimination standards in Slovenia considering individual discriminated groups'.¹

THE MINORITIES AND THE ROMA

All the reports have more or less the same message that Slovenia has approached significant progress on the field of Hungarian and Italian minorities, especially considering their status in educational system, public participation and media. The issue of those two minorities is most detailed worked on Advisory Committee Report which after all the effort emphasizes that there is still a lot to do, to fully realize the Framework Convention of the protection of minorities.

Bigger minority problem presents the protection of Roma living in Slovenia. As regards the German-speaking minority living in Slovenia, the Advisory Committee notes that the Government acknowledges its historical presence but does not consider it as a national minority protected by the Framework Convention. While welcoming the signature on 30 April 2001 of a bilateral agreement with Austria (in this context see related comments under Article 18), the Advisory Committee urges the Slovene Government to continue its dialogue with representatives of the German-speaking minority with a view to meeting the needs of this group more fully, especially in the

¹ Human Rights Committee, Committee against Racism and Intolerance and Committee on Economic, Social and Cultural Rights under United Nations, Advisory Committee on The Framework Convention for the Protection of National Minorities, Office of the Commissioner for Human Rights and European Commission against Racism and Intolerance

fields of education and culture.² In its second report Advosriy Committee acknowledges that there have been no changes on this field, although a lot of German - speaking people (Sinti) is still expressing their wish to be considered as a minority by national authorities. They also point to Article 61 of the Constitution, which deals with the expression of national/ethnic affiliation, as the constitutional basis for the protection of such persons. It is true that this article guarantees everyone the right to express freely his or her affiliation with an ethnic group or community, and to foster and develop his or her culture and language. However, the Advisory Committee notes that this is a constitutional provision which remains very general in scope, and may prove insufficient when it comes to eligibility for specific protection measures aimed at maintaining and developing an identity, unless specific legislation is adopted to implement it in practice. Advisory Committee has therefore invited the Government to re-consider about inclusion of other subjects under the Framework Convention.³

Problems remain in respect of the implementation of the Framework Convention as concerns all the different groups of Roma, especially as regards housing, employment, the existence of important socio-economic differences as well as acts of discrimination.⁴ The Advisory Committee notes that pursuant to their declaration, the Slovene authorities also undertake to apply the provisions of the Framework Convention to “members of the Roma community who live in the Republic of Slovenia,” even though the domestic legal status of this community is not the same as the one enjoyed by the Hungarian and Italian minorities. In this context, mention should be made of Article 65 of the Constitution which provides that “the status and special rights of the Roma community living in Slovenia shall be regulated by law. Although neither the declaration nor the Slovene Constitution refers to the “autochthonous” character of the Roma community, it appears that the Government considers that only “autochthonous” Roma are in principle eligible to benefit from measures taken to protect the Roma community. However, the Advisory Committee’s attention was drawn to the lack of any legal definition of the “autochthonous” character of persons belonging to the Roma community and to the fact that this criterion is in practice extremely difficult to use (see related comments under Article 15). The Advisory Committee also observed that interpretation of this criterion varied considerably, depending on the ministries or departments concerned, especially regarding the required period of presence on Slovene territory and the question of citizenship The Human Rights Committee is concerned

2 Council of Europe, Advisory Committee on The Framework Convention for the Protection of National Minorities; Opinion on Slovenia. ACFC/INF/OP/II(2005)002, Strasbourg, 14 March 2005. Adopted on 12 September 2002.

3 Council of Europe - Advisor Committee on the Framework Convention for the Protection on National Minorities: Second opinion on Slovenia. ACFC/INF/OP/II(2005)005, Strasbourg, 01. December 2005. Adopted on 26 May 2005.

4 Council of Europe, Advisory Committee on The Framework Convention for the Protection of National Minorities; Opinion on Slovenia. ACFC/INF/OP/II(2005)002, Strasbourg, 14 March 2005. Adopted on 12 September 2002.

about the difference in the status between the so-called "autochthonous" (indigenous) and "non-autochthonous" (new) Roma communities in the State party.⁵ The Committee of Social and Economic rights is also concerned that the latter do not enjoy protection of their cultural rights, such as the right to education in their mother tongue, unlike members of other minorities who enjoy this right under bilateral international agreements.⁶ The Commissioner encourages the authorities to continue the consultations that are currently underway relating to the enactment of the specific law devoted to the rights of the Roma.

The Commissioner urges the authorities to do their utmost to actively assist those Roma, who, while being entitled to it, are still without citizenship.

In performing this process the Commissioner considered important that the Slovenian government take measures to remedy the existing differences in the level of protection provided for the Roma on the basis of whether they are autochthonous or non-autochthonous, as these notions are not legally defined. He expressed his concern that the use of these notions raises legal and practical uncertainties and carries a risk of arbitrary exclusion, as even a person, who is a citizen of Slovenia and whose family has long roots in Slovenia, is not necessarily considered autochthonous⁷ Committee on Social and Economic Rights is of the same opinion.⁸ Advisory Committee has not pointed out any progress in its second report and establishes that the situation remains the same and that Slovenian authorities fail to solve this question.⁹ The third report is more optimistic since Advisory Committee establishes that since his last report Office of Nationality has been encouraged to prepare national legislation considering the rights of Roma in Slovenia.¹⁰

Advisory Committee finds that there are important socio-economic differences between many Roma and the rest of the population. The Advisory Committee welcomes the high level of integration of the Roma community living in the Prekmurje region and notes that the coexistence with other groups has been harmonious for a long time. It expresses the hope that other regions will draw inspiration from this achievement. It is to be noted, in this context, that the situation of the Roma in the Dolenjska region is much less favourable, as they still often seem to be the targets of discrimination and hostility on the part of the population. These geographical variations notwithstanding, the Roma continue to be particularly disadvantaged in the

5 United Nations, CCPR - Human Rights Committee; Concluding observations of the Human Rights Committee: Slovenia. 25/07/2005. CCPR/CO/84/SVN

6 United Nations, CESCR - Committee on Economic, Social and Cultural Rights; Concluding observations of the Committee on Economic, Social and Cultural Rights: Slovenia. 25/01/2006. E/C.12/SVN/CO/1.

7 Council of Europe - Office of the Commissioner for Human Rights. Report of the Council of Europe Commissioner for Human Rights, Mr. Alvaro Gil-Robles, on his visit to Slovenia. CommDH(2003)11.

8 Council of Europe, Advisory Committee on The Framework Convention for the Protection of National Minorities; Opinion on Slovenia. ACFC/INF/OP/II(2005)002, Strasbourg, 14 March 2005. Adopted on 12 September 2002.

9 Council of Europe - Advisor Committee on the Framework Convention for the Protection on National Minorities: Second opinion on Slovenia. ACFC/INF/OP/II(2005)005, Strasbourg, 01. December 2005. Adopted on 26 May 2005.

10 Evropska komisija za boj proti rasizmu in nestrpnosti: Tretje poročilo o Sloveniji. Sprejeto 30. junija 2006. CRI(2007)5

fields of education, employment and housing, and the Advisory Committee consequently finds it essential to adopt further measures in these fields. It appears that efforts undertaken as part of the programme of governmental measures to assist the Roma adopted by the Government in November 1995 have not been comprehensive enough to reduce permanently and substantially the gap between the Roma and the majority population. The Advisory Committee therefore welcomes that the Programme for active employment policy adopted in March 2002 addresses the need to improve employment opportunities for Roma.¹¹

Next fruitful problem is housing of Roma. It appears that before Slovenia's declaration of independence in 1991 many Roma lived on State-owned land. After 1991 and subsequent to denationalisation, this land was returned to persons who had owned it before nationalisation, with the result that many dwellings occupied by Roma have become illegal according to the Slovenian authorities. In response to this situation, the authorities are attempting to find new sites for the Roma concerned, but this is proving to be a lengthy process. In view of this situation, it is essential that the authorities adopt additional measures and speed up the introduction of the necessary legislative changes that are planned. Meanwhile urgent measures should be taken to improve housing conditions where necessary.¹²

The educational situation of the Roma gives rise to deep concern and differs widely from that of the other minorities and the majority population. The Advisory Committee is deeply concerned about credible information alleging that a very high percentage of Roma children are still being placed in "special" schools designed for mentally handicapped children. It seems, however, that many of these children are being placed in these institutions because they are less familiar with the Slovene language when they enter school or because of real or perceived cultural differences. The Advisory Committee considers that this practice is not compatible with the Framework Convention. It notes in this context that the educational system should take full account of the language and culture of the minority in question, in accordance with the principles laid down in Committee of Ministers' Recommendation (2000) 4 on the education of Roma/Gypsy children in Europe.¹³ Advisory Committee as well as High Commissioner for Human Rights has finding that another reason for concern comes from information about the introduction of separate classes for Roma in some municipalities, especially at Leskovec near Krsko,

11 Svetovalni odbor Sveta Evrope ugotavlja prisotnost zavračajočega in sovražnega obnašanja do Romov s strani večinske populacije, še posebej na Dolenjskem, kjer so se naseljevali zadnje čase bolj kot v Prekmurju. V določenih primerih so prebivalci organizirali peticije zoper prisotnost Romskih družin ali peticije, s katerimi so zahtevali izselitev Romov, včasih tudi lokalne oblasti niso ustrezno ukrepale, da bi omilile napetosti. Nekatere romske družine niso imele druge možnosti kot da so odšle pod pritiskom soseske.

12 Council of Europe, Advisory Committee on The Framework Convention for the Protection of National Minorities; Opinion on Slovenia. ACFC/INF/OP/1(2005)002, Strasbourg, 14 March 2005. Adopted on 12 September 2002.

13 Council of Europe, Advisory Committee on The Framework Convention for the Protection of National Minorities; Opinion on Slovenia. ACFC/INF/OP/1(2005)002, Strasbourg, 14 March 2005. Adopted on 12 September 2002.

where classes are even, in some cases, being housed in separate buildings. Insofar as such practices seem to be left to the discretion of the schools concerned and to be an obstacle to further integration of the Roma, the Advisory Committee urges the Slovene authorities to make a full review of the situation and to take prompt measures to stop this practice. Although I was informed that these provisions were introduced with good intentions mainly to overcome language barriers, the manner in which they are implemented may aggravate the exclusion of Roma children and carries a risk of discrimination. Being subjected to special classes often means that these children follow a curriculum inferior to those of mainstream classes, which diminishes their prospects for further education and eventually, for finding employment in the future.¹⁴ Measures towards desegregation should therefore immediately be taken. For instance, Roma children should more frequently attend pre-schools where they can learn the Slovenian language, and school assistants should be provided at regular classes when needed.¹⁵ The Advisory Committee notes that in the Slovene school system, opportunities to learn the Roma language are few, although some pilot projects have recently been launched, especially in Murska Sobota.¹⁶ Advisory Committee encourages the Slovenian authorities in their efforts to improve the situation of Roma in education. It strongly recommends that they ensure that all measures provided for in the “Strategy for the Education of Roma in the Republic of Slovenia” are implemented in practice and that time frames, resources, responsibilities, outcomes and monitoring mechanisms are clearly set out in order to facilitate implementation. It strongly recommends that the Slovenian authorities implement the Strategy throughout the territory of Slovenia and ensure that all Roma benefit from its measures.¹⁷

While noting measures undertaken to improve the living conditions of the Roma community, the Committee is concerned that the Roma community continues to suffer prejudice and discrimination, in particular with regard to access to health services, education and employment, which has a negative impact on the full enjoyment of their rights under the Covenant.¹⁸ They are also subject of prejudice; those are not only seen among relationships between individuals but also effect on local authorities. It is urgent for authorities to ensure cooperation with Roma communities and to take effort to reduce intolerance in society.¹⁹

14 A new Strategy for the Education of Roma was also adopted in June 2004, with the aim of securing equality of opportunity in access to education and integrating them more fully into the education system

15 Council of Europe - Office of the Commissioner for Human Rights. Report of the Council of Europe Commissioner for Human Rights, Mr. Alvaro Gil-Robles, on his visit to Slovenia. CommDH(2003)11.

16 Council of Europe, Advisory Committee on The Framework Convention for the Protection of National Minorities; Opinion on Slovenia. ACFC/INF/OP/1(2005)002, Strasbourg, 14 March 2005. Adopted on 12 September 2002.

17 Evropska komisija za boj proti rasizmu in nestrpnosti: Tretje poročilo o Sloveniji. Sprejeto 30. junija 2006. CRI(2007)5.

18 United Nations, CCPR - Human Rights Committee; Concluding observations of the Human Rights Committee: Slovenia. 25/07/2005. CCPR/CO/84/SVN

19 Council of Europe - Office of the Commissioner for Human Rights. Report of the Council of Europe Commissioner for Human Rights, Mr. Alvaro Gil-Robles, on his visit to Slovenia. CommDH(2003)11.

An important step was made with adoption of the Law on Local Self-Government which required twenty municipalities to provide for the election of a Roma representative in their municipal councils. Advisory Committee notes that in spite of the law and of a decision of the Constitutional Court on the need to comply with it, one municipality, has not yet modified its statutes and that there is therefore no Roma councillor there. The Slovenian authorities have reported that in 2005, the Law on Local Self-Government was modified in order to provide for sanctions, including dissolution of the municipal council or the removal of the Mayor, in case of non-compliance with its provisions. The High Commissioner for Human Rights recommends that this issue would be solved with legislative procedure according to Article 65 of the Constitution. Such participation would enlarge the execution of Article 15 of Framework Convention on National Minorities.²⁰

former ex-yugoslav citizens

All the reports express that while acknowledging the efforts made by the State party to grant permanent resident status in Slovenia or Slovenian nationality to citizens of other republics of the former Socialist Federal Republic of Yugoslavia living in Slovenia, the Human Rights Committee remains concerned about the situation of those persons who have not yet been able to regularize their situation in the State party. The State party should under opinion of Committee for Human Rights seek to resolve the legal status of all the citizens of the successor States that formed part of the former Socialist Federal Republic of Yugoslavia who are presently living in Slovenia, and should facilitate the acquisition of Slovenian citizenship by all such persons who wish to become citizens of the Republic of Slovenia..²¹ The Committee for Social and Economical Rights is in deep concern that former ex-Yugoslav citizenships were removed, ex officio, from the register of permanent residents in 1992.²² As a result, these persons, many of whom had been living in Slovenia for decades, became foreigners in Slovenia and lost the rights attached to a permanent residence status, many without being aware of it.²³ The Committee observes that this situation entails violations of these persons' economic and social rights, including the rights to work, social

20 Council of Europe - Office of the Commissioner for Human Rights. Report of the Council of Europe Commissioner for Human Rights, Mr. Alvaro Gil-Robles, on his visit to Slovenia. CommDH(2003)11.

21 United Nations, CCPR - Human Rights Committee; Concluding observations of the Human Rights Committee: Slovenia. 25/07/2005. CCPR/CO/84/SVN.

22 At the time of Slovenia's independence on 23 December 1990, approximately 200,000 people originating from other parts of the former Yugoslavia were permanently residing in Slovenia. Approximately 170,000 people obtained citizenship on the basis of laws, which sought to regulate their status in the new State by giving them the right to apply for Slovenian citizenship within six months. Of the remaining 30,000, about 11,000 left Slovenia, 18,305 did not apply for citizenship within the prescribed time for a number of reasons, or their application was rejected, and were removed, ex officio, from the register of permanent residents on 26 February 1992.

23 Council of Europe - Office of the Commissioner for Human Rights. Report of the Council of Europe Commissioner for Human Rights, Mr. Alvaro Gil-Robles, on his visit to Slovenia. CommDH(2003)11.

security, health care and education.²⁴

The Advisory Committee notes that more recent government initiatives have sought, in accordance with the relevant decisions of the Constitutional Court, to restore these persons' rights retrospectively. It finds it disturbing that these initiatives have been stalled for over a year, and that the social climate in Slovenia has not been conducive to a speedier resolution of these matters. In the referendum held in April 2004 on the Act on the Implementation of Item n° 8 of Constitutional Court Decision n° U-I-246/02 (the so-called "Technical Act on Erased Persons"), 94.7% of participants (representing 31.45% of voters) expressed their opposition to this Act (see also comments under Article 6 below).²⁵ Advisory Committee and the High Commissioner for Human Rights suggest that Slovenia solve this problem as soon as possible.

Following the dissolution of the former Yugoslavia, the ethnic communities of persons originating from other parts of the former Yugoslavia became *de facto* minorities in Slovenia, but they have not been recognised as such, and do not enjoy minority protection. Many of them migrated to Slovenia between the 1960's and 1980's, but there are also traditional settlements of Serbs and Croats in Slovenia. Although the constitutional provisions guaranteeing a certain degree of protection for persons belonging to 'ethnic communities' are applicable to these groups, the fact that they remain unrecognised as minorities in Slovenia, poses significant obstacles to the preservation of their language, religion, culture and identity.

They maintained that in some respects, their situation had deteriorated since independence. For instance, obtaining education in their mother tongues is now much more complicated than before.²⁶ The director of the Office of National Minorities noted that the question of possible recognition was very complicated because these persons have not been "traditionally" living in Slovenia, but arrived mainly as economic immigrants during the time of the former Yugoslavia. I also raised this issue with the President of the National Assembly who noted that, although the question is being discussed, it would be difficult to afford these groups a status similar to that of the Hungarian and Italian minorities. However, in order to ensure that the implementation of the Framework Convention does not create a source of arbitrary or unjustified distinctions, I strongly encourage the Government to consider including these groups in the application of the Convention, and to enact appropriate legislation on the basis of the relevant constitutional provisions.²⁷

Although some statutory provisions, e.g. Article 61 of the Constitution, guarantee a degree of protection for persons belonging to "ethnic

²⁴ United Nations, CESCR - Committee on Economic, Social and Cultural Rights; Concluding observations of the Committee on Economic, Social and Cultural Rights: Slovenia. 25/01/2006. E/C.12/SVN/CO/1.

²⁵ Council of Europe - Advisor Committee on the Framework Convention for the Protection on National Minorities: Second opinion on Slovenia. ACFC/INF/OP/II(2005)005, Strasbourg, 01. December 2005. Adopted on 26 May 2005.

²⁶ Organisation, which represents the Bosnians, reported, that they don't have any access to public media and that there is no radio or TV programme emitted in Bosnian language.

²⁷ Council of Europe - Office of the Commissioner for Human Rights. Report of the Council of Europe Commissioner for Human Rights, Mr. Alvaro Gil-Robles, on his visit to Slovenia. CommDH(2003)11.

communities”, a term that also includes non-Slovenes from former Yugoslavia, these persons do not have equivalent status to that of the Hungarian, Italian and Roma minorities and the Government does not consider them to be covered by the Framework Convention. However, the Advisory Committee welcomes the fact that in practice some authorities seem to adopt a more inclusive approach in respect of steps taken in favour of non-Slovenes from former Yugoslavia, especially with regard to financial support for cultural activities and with regard to education (see related comments under Article 6). In this context, the Advisory Committee notes with satisfaction that, during its conversations with the Government on the implementation of the Framework Convention, the Government openly addressed the question of the status of persons belonging to minorities originating from former Yugoslavia and of their needs as regards protection. The Advisory Committee urges the Government to adopt an even more inclusive approach to the question in order to cater more effectively for the needs of these persons, especially Croats and Serbs.²⁸

The activities organised by the authorities, the Ombudsman and non-governmental organisations to raise public awareness of diversity and intercultural dialogue are to be welcomed, said Advisory Committee in his second report. In this connection, the Advisory Committee notes the many pronouncements made by the Ombudsman and his appeals to public institutions and members of Slovene political circles to make a more decisive contribution to fostering tolerance and mutual respect.²⁹ The High Commissioner for Human Rights is still extremely concerned about still lasting public manifestation of hostile speech and intolerance of some politician.³⁰

INTOLERANCE AND DISCRIMINATION

All contracting bodies are concerned about manifestations of hate speech and intolerance in the public domain which are occasionally echoed by certain media in the State party³¹ Advisory Committee invited Slovenia in his first report to strengthen and develop provisions for legal and institutional protection from discrimination and to ensure measures to inform public knowledge in this area. The Advisory Committee notes in his second report that, in May 2004, Slovenia passed an Act on Equal Treatment, aiming to

28 Council of Europe, Advisory Committee on The Framework Convention for the Protection of National Minorities; Opinion on Slovenia. ACFC/INF/OP/I(2005)002, Strasbourg, 14 March 2005. Adopted on 12 September 2002.

29 Council of Europe - Advisor Committee on the Framework Convention for the Protection on National Minorities: Second opinion on Slovenia. ACFC/INF/OP/II(2005)005, Strasbourg, 01. December 2005. Adopted on 26 May 2005.

30 Council of Europe - Office of the Commissioner for Human Rights. Follow-up Report on Slovenia: Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights. CommDH(2006)8 original version, Strasbourg, 29 March 2006.

31 United Nations, CCPR - Human Rights Committee; Concluding observations of the Human Rights Committee: Slovenia. 25/07/2005. CCPR/CO/84/SVN

transpose the European Union Directive n° 2000/43/EC on Equal Treatment Irrespective of Racial or Ethnic Origin into national law.³²

Committee for Human Rights said also some words about the lack of information about abuse, exploitation and maltreatment of children in the State party³³ and expresses concern about the reported neglect of unaccompanied minors seeking asylum or illegally residing in the territory of the State party. The Committee, while recognizing that registration is distinct from conferral of nationality, is also concerned that some children are registered at birth without a nationality. The State party should develop specific procedures to address the needs of unaccompanied children and to ensure their best interests in the course of any immigration and related proceedings. The State party should also ensure the right of every child to acquire a nationality.³⁴

In his report, the Commissioner highlighted two specific issues relating to discrimination. The building of a Mosque in Ljubljana continues to be stalled despite the efforts of the Slovenian Muslim community for over 30 years and the favourable attitude of the Mayor of Ljubljana. As a result, the Muslim community in Slovenia is deprived of a formal place of worship. At the time of the follow-up visit in May 2005, the issue had moved to the local courts as the owners of the neighbouring properties of the future building site had withheld their consent on the demarcation plans for the site.³⁵ The Commissioner regrets that the building of the Mosque in Ljubljana continues to be held up. The Commissioner urges the authorities to work together to find a solution to this long standing problem. It is to be hoped that the various legal and political obstacles so far employed to prevent the building of the mosque, will rapidly give away to a consensus, recognising the rights of the Muslim community to effectively practise their religion.³⁶

The other issue raised was discrimination on the basis of sexual orientation and lack of equal rights of same-sex couples in legal and social respects. In this context, the Commissioner also expressed his concern about homophobic statements that were frequently published in the media. On 22 June 2005, the Law on Registered Same-Sex Partnership was adopted by the Slovenian National Assembly. The law regulates property and inheritance rights and provides for the right and obligation to support the socially weaker partner. It does not, however, grant equal rights, in comparison with married couples, in the area of social security, including social and health insurance and pension

32 Council of Europe - Advisor Committee on the Framework Convention for the Protection on National Minorities: Second opinion on Slovenia. ACFC/INF/OP/II(2005)005, Strasbourg, 01. December 2005. Adopted on 26 May 2005.

33 United Nations, CCPR - Human Rights Committee; Concluding observations of the Human Rights Committee: Slovenia. 25/07/2005. CCPR/CO/84/SVN

34 United Nations, CCPR - Human Rights Committee; Concluding observations of the Human Rights Committee: Slovenia. 25/07/2005. CCPR/CO/84/SVN

35 Council of Europe - Office of the Commissioner for Human Rights. Follow-up Report on Slovenia: Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights. CommDH(2006)8 original version, Strasbourg, 29 March 2006.

36 Council of Europe - Office of the Commissioner for Human Rights. Report of the Council of Europe Commissioner for Human Rights, Mr. Alvaro Gil-Robles, on his visit to Slovenia. CommDH(2003)11.

right. According to the information available in the media, homophobic and intolerant statements were made by some politicians during the hearings in the National Assembly. Some of the statements included personal and highly insulting remarks made to parliamentarians in favour of further amendments to the law.³⁷

FINDINGS

From all the reports of contracting bodies it is possible to conclude that they all have more or less the same opinion about certain issues.

Absolutely the last report of Advisory Committee is encouraging since they are finding that progress has been made in a number of the fields highlighted in that report. The legal framework against racial discrimination has been strengthened through the adoption of primary antidiscrimination legislation covering different areas of life, whose implementation and monitoring is supported by newly established institutions, including the Advocate of the Principle of Equality. Progress has been made in the field of improving opportunities for Roma children in education, where the authorities have started to implement a strategy adopted in 2004. Work on the preparation of a comprehensive legal framework regulating the rights of the Roma communities in accordance with the Constitution is under way and is expected to be finalised before the end of 2006. The mechanisms for dealing with complaints of police misconduct have been improved and made more transparent. The Human Rights Ombudsman, who has continued to provide invaluable support to members of minority groups, is in the process of focusing activities specifically against discrimination and for the promotion of a positive attitude towards diversity.

The situation considering discrimination of different minority groups in Slovenia (except Hungarian and Italian) is quite serious under my opinion. As it is stated in the Committee of the Commission to fight against racism and intolerance report Slovenian people's reaction on the growth of immigration in last ten years seems to be coloured with nationalism and xenophobia. The European Commission is afraid that in the case of worsened economical conditions in the country minority groups will be marked as guilty for such situation. For that reason it recommends to the authorities to take measures to develop cultural tolerance and respect of differences.

Last but not least I would like to express my belief about how important it is not just to take pressure under the state to do something but also to ensure that measures taken by state will be fully implemented in practice and that they will become granted from the whole Slovenian population. For that reason it is urgent to develop cultural pluralism and raise the level

³⁷ Council of Europe - Office of the Commissioner for Human Rights. Follow-up Report on Slovenia: Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights. CommDH(2006)8 original version, Strasbourg, 29 March 2006.

of tolerance. This is something any body can help, the state, educational institutions, non-governmental organizations and each individual.

final report of the executed interviews with the participants of the seminars

INTRODUCTION

Sadly our bad presentiments came true; the problems in connection with matters of discrimination are becoming one of the major issues in the public life in Slovenia. The actuality of this topic and the importance of the project "Training and education for combating discrimination" was clearly reflected in last years occurrences, which gained huge attraction from the media and again polarized the Slovenian public: conflicts between Roma and local residents with respect to the attendance of Roma children in primary school in the village Bršljin, the unfinished story of the "erased" people in Slovenia and their march towards the European institutions, and the almost tragicomically story of the migration of the Roma family Strojan are only the most defame examples which have an inkling, why the European Union choose the year 2007 to be the year for equal opportunities.

One of the most efficient and successful long-term strategies in the combat against the spread of this devastating phenomenon is education, especially with promotion of a more tolerant acceptance of diversity and open discussion about open questions in regard with this topics.

Within the project "*Training and education for combating discrimination in Slovenia*" the performer has foreseen the execution of an opinion survey in the form of interviews with the participants of the seminars. In the end these interviews present a part of our efforts to give a voice to our target groups, so that the information, views and opinions could flow in both directions, with the overall aim to identify the most urgent problems our participants face (a detailed report of the interviews is included in Appendix 1).

It is worth to mention, that most participants responded our invitation to take part in the interviews.

methodology

The data presented in Appendix 1 was gathered in the form of structured interviews, executed by the co-workers of ISCOMET with the participants of

the particular seminar. The choice of this particular research method¹ seemed most appropriate for its flexibility: the interviewers could offer help and explanation with the more difficult questions, on the other hand this method proved to be most appropriate for its feasibility.

The questionnaires for the particular seminars varied with respect to the group of participants, whereby the questionnaires for the first two seminars (constitutionally recognized and unrecognized minorities) were broad in its scope, compared to the more specific questionnaires for the other groups of participants.

final CONCLUSIONS

The presented views and opinions of the interviewed participants of the seminars in a fruitfully way complete the everyday media coverage of the highly discussed topic of the last months. The interviews revealed, that discrimination on ethnic an religious basis is rather present in Slovenia, and at the same time is became clear, that this is a problem, related with the basic consent of forms of cohabitation in a ethnic mixed society, that obviously has its difficulties in accepting diversity in general.

At this point it is helpful to rely on the broader sociological context to explain the objected phenomenon. Although we are often confronted with overestimated evaluations of the notorious intolerance among Slovenes,² recent comparative sociological investigations reveal a different picture: data from 1999³ about ethnic and other intolerance from 14 European countries (Rus, 2006) confirm, that the Slovenian population is in their statements and views very close to the average of the chosen countries. A similar cluster as in the other countries of the research was also present in Slovenia: the citizens in these countries are much more tolerant towards groups with inborn or inherited characteristics (members of different races, Muslims, Roma and even homosexuals and people with aids), than those groups with acquired characteristics (alcoholics, drug addicts, sentenced to jail, political extremists). An above average intolerance came through in this research in Slovenia towards alcoholics (Slovenia: 69%, average: 57%) and towards homosexuals (Slovenia: 44%, average: 28%), and towards Roma, but it has to be added, that the intolerance towards the last two groups is in most post-socialist countries even higher.

The data from the research Slovenian Public Opinion from the years 1992, 1999 and 2005 reveal also some positive trends, in accordance to which the discrimination today is not only less present, but also more differentiated and directed towards groups, who acquired their own speciality with their

1 A similar study was conducted by S. Davis, F. Neathey, J. Reagen and R. Wilson: Pregnancy discrimination at work: a qualitative study. Institute for Employment Studies, Manchester, Working Paper 23, 2005.

2 About the media coverage of these topics: Erjavec, Bašič-Hrvatina and Kelbl (2000), Makarovič and Rončević (2006).

3 In Slovenia the data was gathered in the research Slovenian Public Opinion - SJM 1999 (FDV, CJMMK).

own behavior. The statistic data from the covered period reveals following characteristics:

- the tolerance towards ethnic, ethnic and political groups is higher among the young than among the old population;
- the tolerance is higher among the more educated than among the less educated respondents;
- the tolerance is higher among the upper classes than among the lower ones.

Here the conclusion is justified, that these findings were also visible from the answers of our interviewees, especially those from the sixth seminar (teachers), who fully agreed that school and education are the best mechanisms for prevention of discrimination and prejudice.

The presented data also suggest which are the groups of the population, where most training and education for combating discrimination has to be done in the years to come.

If the issue of discrimination in general is linked to acceptance of diversity on all areas of social life, than the key question is, how the Slovenian citizens (and their political elite) imagine their life and cohabitation in the future. Because one thing is sure: according to all demographic trends, it is reasonable to expect huge changes in the composition of the ethnic diversity of Slovenia's population. And if we already now have problems with accepting foreigners, who are culturally relatively close to the Slovenian culture (the majority of Non - Slovenes has its roots in former Yugoslavia), how will it be, when foreigners from totally different cultures (Africa, Asia) will start to settle in Slovenia in a larger number? The near future will already show, if the ethnic approach towards which is favorable for towards cultural diversity and prone to multiculturalism acceptable for Slovenia. The politics of multiculturalism is of course very demanding: in the field of education this for example requires to adopt the dietary, religious education, clothing rules and above all the various beliefs and virtues of the particular ethnic groups must be included in the educational system (Haralambos, Holborn, 1999:728). Today we are still far away from such politics.

But the answers of our interviewees offered a lot of interesting ideas and suggestions how to make first steps in this direction: if we first look at the constitutionally unrecognized minorities, we can read that our respondents repeated those topics, which are more or less open questions since the independence of Slovenia. Because the position of the constitutionally unrecognized minorities was in the past already subject of detailed research (Klopčič, Komac, Kržišnik-Bukić, 2003, and Komac, Medvešek, 2005), only the most urgent problems shall be stated at this point: it is a fact, that the members of these ethnic groups are worse off compared with Slovenes and members of the Italian and Hungarian minority, what was also established in the report of the European commission for combat of racism and intolerance (ECRI) in the year 2002. Because for all the minorities and their associations the

expression and cultivation of their culture is of primary importance, it would be in this respect justified to equalize all existing minorities and respectively improve their possibilities for the performance of these activities. Because the numbers are in this regard inexorable: in the year 2005 the Ministry of culture in their yearly public call for ethnic associations assigned following grants for the realization of cultural projects: the Italian ethnic minority received 47 millions Slovenian tolar (in the last census the minority counted 2258 members), the Hungarian 77 millions (6243 members), the Roma community 14 millions (3246 members), and all the other minorities together 20 millions (6186 Albanians, 21542 Bosnians, 2667 Montenegrins, 35642 Croats, 3972 Macedonians, 10467 Muslims, 38964 Serbs and 48588 who did not want to declare themselves). In the words of Mrs. Ilije Dimistrevski, PhD, the president of the Union of cultural societies of the constitutive nations of the former SFRJ in Slovenia is the demand of these groups for the systematic settlement of their rights, comparable to those of the Italian, Hungarian and Roma minority, more than understandable. And even if today this seems not possible, because it is first of all a political question, an improvement of the material foundations for the activities of the associations of these minorities would be an important step in this direction (Škerl, 2005:11). If nothing else, this would ameliorate the image of the Slovenian state in the former Yugoslav republics; after all our interviewees pointed to the economic success of Slovenian enterprises in the part of former Yugoslavia, whereby the Slovenian economic lobby and the Slovenian state could do something for "their" people in Slovenia, what can be seen as a broad version of "corporate responsibility."

The other group of minorities in Slovenia, who enjoy a special status guaranteed by the constitution, faces different problems than the former one. Paradoxically, in the same article of the constitution are associated such groups, whose actual position, despite the various legal provisions, is not comparable. If the estimation is justified that the Hungarian and the Italian minority are in most important minority aspects (use of language, own media programs, grants for cultural activities) better off than the constitutionally unrecognized minorities, the situations of the Roma is rather reverse. The statements of our interviewees only confirm this estimation. After all we have heard, are the members of the Roma minority in the worst position of all; whether in their employment opportunities, when performing work, the situation for education of their children, and the most palpability data of their misery situation is the fact, that their life expectancy is in average two decades lower than for the majority. Speaking sociologically we would say, that Roma present the underclass in Slovenia. At this point we have to bring up the question why the situation of the Roma is that bad, compared to the other constitutionally recognized minorities?

Without the ambition to offer a comprehensive analysis of this issue which would by far exceed the purpose of this presentation, some conclusions are obvious: Roma are in some aspects different from the other minorities. Even

if it is unjustified to speak of Roma as a homogeneous minority, because it is a dispersed minority in Slovenia, where the largest settlements are in the region of Prekmurje and Dolenjska, in cities we mostly find them in Ljubljana and Maribor, and the last are mainly immigrants from former Yugoslavia who came to Slovenia in the last three decades. But certainly their way of cohabitation in closed ethnic settling contributes to the fact, that the Roma are the least integrated minority in Slovenia. The answers and examples of our interviewees confirm this assumption: whereas all the other minorities in Slovenia (with some reservations about the Albanian, less the Muslim minority) are quite integrated, if not even assimilated (those were the opinions of representatives of the Croat minority), the Roma still live in their settlements more or less on their own. This does not mean that because of this the relations with the majority can not be good, as for example the village Püšča in Prekmurje shows.

But at this point it has to be stated very clearly, that the settlement of the Roma problem is the responsibility of the state and the corresponding institutions. The stories covered by the media in the last months are also a result of an insufficient and inconsistent policy to deal with this problem. Because this is not only the question of "Roma settlements,"⁴ but also other measures which could integrate the Roma into Slovenian society, above all the accessibility to adequate educational in medical institutions and profession education and training for adult members of this minority.

For the last systematic measure of the state, namely the newly adopted Law about the Roma community (Official gazette of the Republic Slovenia, 33/2007), it is too soon to make any evaluations, although the proposal of the law was highly debated.⁵

The problems faced by the Hungarian and Italian minority are of different nature. Although there is an extensive legislation for their protection in Slovenia, this legislation is in the words of our interviewees not fully brought into force, so the process of assimilation continues. In general from the interviews spread the sense that they are due to their small number and the absence of larger problems somehow on the sidetrack. As well these two minorities are rarely mentioned in the general media in Slovenia (Makarovič and Rončević, 2006:59).

At the very end we can conclude, that the combat against discrimination is a never ending story, it is just a path towards a never achieved end, but, this path is urgent and necessary for the building of the "Slovenian home" (Devetak, 2006:12), where all citizens will feel safe and find a opportunity, that they

4 In the words of J. Zupančič (2006:17) the term "Roma settlement" occurred in an embarrassment, how to name groups of dwelling places with Roma population, because the places were not statistical units with a proper numeration, even without house-numbers. Beside that, Romas face within their settlements several problems because of difficulties with various regulations (legal, of ownership, comunal connections).

5 For example the newspaper Večer (29.12.2006) published two articles with different viewpoints on the proposal of the law. Professor Miran Komac, PhD, who was part of the expert team for the preparation of the law in its early stage stated, that the proposed last version did not offer any measures of positive discrimination for the Roma, and therefore this law would not improve the situation of the Roma in general. An opposite view was presented by Mister Jožko Horvat - Muc, the president of the Roma Union in Slovenia, who stated that this law will improve the financial matters of the Roma community.

secure with their work a brighter future for themselves and their families.

The experiences and opinions of the interviewees from our seminars brought some light on first steps made in this direction. In some institutions (schools, police and army forces, etc.) they are aware of the importance of education about problems with aspects of discrimination. Also the ombudsman of Slovenia and other non-governmental organizations like the Peace Institute in Ljubljana, the Legal Information Center for NGOs in Ljubljana, the Institute PIP from Maribor and others have with their activities on this topic showed, that there is sufficient knowledge and good will for informing of the broader audience about this problems. Hopefully the initiated activities will further spread in a more systematic manner, because only with raising consciousness and elimination of prejudice it is possible to minimize discrimination on a minimum in the long term.

Further, there are plenty of topics open for research with the aim to adopt suitable policies, which will enable a peaceful cohabitation of the majority with expectable larger number of minorities in Slovenia future.

Studies on the local level (Flere and Klenovšek, 2004) showed that there are as well very positive examples of collaboration of ethnic associations with local authorities. And especially such examples, where initiatives derived on the local level from grassroots organizations in accordance with the "bottom up" principle, must be supplemented with state measures in accordance with the "top down" principle, and result in comprehensive policies for the solution of problems, which will gain in importance in the years to come. Ethnic associations on the local level can build bridges to the broader community (the so called "bridging social capital"), and on the other side they can contribute to even tighter ties exclusively among the members of their own community (the so called "bonding social capital") and enable the emergence of a "parallel society", as this happened in some European countries with a tradition of large numbers of immigrants, as for example France or Germany (Fijalkowski, 2004:196).

Presumably nobody in Slovenia wishes such a scenario for the years to come, but if the state will not react in a fast and appropriate manner, the consequences will be irreparable.

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 - o iz 1. seminarja za ustavno nepriznane manjšine (13. in 14. maj 2005, Grand hotel Rogaška, Rogaška Slatina)
 - o iz 2. seminarja za ustavno priznane manjšine (1. in 2. julij 2005, Grand hotel Rogaška, Rogaška Slatina)
 - o iz 3. seminarja za sodnike, javne tožilce in odvetnike (20. in 21. oktober 2005, Grand hotel Rogaška, Rogaška Slatina)
 - o iz 4. seminarja za policiste, carinike, paznike in predstavnike slovenske vojske (17. in 18. november 2005, Grand hotel Rogaška, Rogaška Slatina)
 - o iz 5. seminarja za zaposlene v javni upravi (15. in 16. maj 2006 Grand hotel Rogaška, Rogaška Slatina)
 - o iz 6. seminarja za predstavnike šolstva / učitelje v osnovnih šolah, ki poučujejo predmete državljanska vzgoja in etika, zgodovina, zemljepis ter slovenski jezik (22. in 23. junija 2006, Grand hotel Rogaška, Rogaška Slatina)
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presentation of cases of »GOOD PRACTICE« IN SLOVENIA

Seminar for
constitutionally
non-recognised
minorities
in Slovenia,
Rogaška Sla-
tina, 12 - 13
May 2005



Relaxed
atmosphere at
the seminar for
constitutionally
recognised mi-
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venia, Rogaška
Slatina, 1 - 2
July 2005. Mam-
bera Kamberi
(Ministry for
Work, Skopje),
Dr. Vera Klopčič
(Institute for
Ethnic Studies,
Ljubljana), Prof.
Silvo Devetak
(ISCOMET,
Maribor),
Prof. Wolfram
Karl (Austrian
Institute for
Human Rights,
Salzburg) (from
left to the right)



INTERCULTURAL DIALOGUE, RESPECT FOR DIFFERENCES AND TOLERANCE – CONDITIONS FOR IMPLEMENTATION OF EQUAL OPPORTUNITIES

The modern concept of human rights in a democratic society while observing the rule of law, is defined by respect towards inherent dignity and identity of each individual. In the present age, the fulfilment of individual rights of the person is connected with ensuring equal opportunities, which in a multicultural society includes special measures of positive action for strengthening consciousness of the wealth of diversity, the importance of intercultural dialogue and respect for diversity and tolerance.

To see cultural diversity of Europe as a common value also means to protect identity of national or ethnical, religious and language minorities, as the foundation of peaceful coexistence between different groups. Because this is a very wide and extremely dynamic area, this article is limited to showing the legal basis for creating the conditions for fulfilment of equal opportunities in multiethnic and multicultural societies. In this context I deal with some relevant provisions of the Framework Convention for the Protection of National Minorities, and European Charter for Regional and Minority Languages, selected cases from the case law of the European Court of Human Rights, and partly the legislation of the Republic of Slovenia.

FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES¹

In the Framework Convention of the Council of Europe for the Protection of National Minorities, the states have formed a common denominator of the modern European approach towards regulating the protection of the minorities and established the principles, that the states are obligated to respect in relation to ethnic, religious, and language diversity within their territory, and in processes of international cooperation. One of these principles is also *Establishing conditions for coexistence and mutual respect* as a program clause, aimed at the future.

Article 6 of the Framework Convention provides: “The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all

¹ Official Gazette of the Republic of Slovenia - International Contracts, No. 4, 13. 3. 1998.

persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media (Article 6, first paragraph).

The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity (Article 6, second paragraph).

In this article, The Framework Convention emphasizes the meaning of tolerance and intercultural dialog, and forbids discrimination on the basis of different elements of national identity. That is the minimum which should be respected by the parties with regard to all members of minority groups inside the state, regardless of the legal status of individual groups, and despite the lack of a definition of the term national minority.

The meaning of mutual familiarization is pointed out in the text of Articles 12, 13 and 14, which refer to the areas of education of the persons belonging to national minorities, to classes in the language of the national minority, and to the significance of mutual familiarization with the culture, history, religion and language of the majority and national minority inside states. The first paragraph of Article 12 provides that "the Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority". Regarding the determination of the right of members of minorities to education in the language of the minority or classes of the minority language, the Framework Convention provisions unambiguously bind the states to acknowledge, that every member of a national minority has the right to learn her or his language (first paragraph of Article 14).

This question is also dealt with in the Concluding Document of the OSCE from Copenhagen, adopted as early as in 1990: ... (second paragraph, point 34) ... "In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities". With such an approach the foundations of cultural pluralism are set up, which encourage familiarity of the majority nation with the culture and history of the national minorities, living with them in the same state.²

Regarding the provision of education in the minority language in areas traditionally or in a substantial number occupied by the minority, the text of the Framework Convention contains a variety of conditions. Inserted words "as far as possible" allow the states to consider their available financial capacity: *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and with the framework of their education system, that persons belonging to those minorities have adequate opportunities*

² "In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities- (second paragraph of Article 12 of the Framework Convention).

for being taught the minority language or for receiving instructions in this language (second paragraph of Article 14.) This provision shall be implemented "without prejudice to the learning of the official language or the teaching in this language" (third paragraph of Article 14).

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES³

The text of the Charter is a result of many years of studies and presents the basis for so called European standard in the area of ensuring the right to use minority or regional languages. The Charter is designed to encompass different possibilities for the implementation of the minority or regional languages in social life, therefore its content can be perceived as a reflection of the so far established practices in single states. The Charter presents an example of an international regulation which derives from the existing practices, developed in the national law of individual states.

The second part of the Charter includes an article (Article 7) rich in terms of content, which reflects the principles of modern approach to respect for cultural diversity, prohibitions of unjustified discrimination, promotion of different cultural identities and activities, mutual learning about different cultures and encouragement of cooperation of persons using minority and regional languages in forming cultural and language policies in a state.⁴ The Charter has entered into force almost at the same time as the Framework Convention, therefore the question of possible overlap of individual provisions in the process of the implementation of both documents arises. The conference which was prepared in the context of activities of the Council of Europe on implementation of the Charter for the protection of regional or minority languages, has also dealt with this question, and has found out that the documents are complementary, because in the area of language rights protection the Charter amends the loose formulation of the Framework Convention. Further cooperation of the committees which monitor the implementation will be useful.⁵

case-law of the european court

The decisions and the opinions of the European Commission and the case-law of the European Court for Human Rights have influenced not only the development

³ European Charter for Regional or Minority Languages, Official Gazette of the Republic of Slovenia-International Contract No.17 of 4th August 2000.

⁴ The Charter also includes the provisions, which directly relate to the rights of the minorities as groups. «In determining their policy, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages». Fourth paragraph of Article 7.

⁵ Implementation of the European Charter for Regional and Minority Languages, Conference organized by Congress of Local and Regional Authorities of Europe and the Secretariat of the European Charter for Regional and Minority Languages in collaboration with the City of Innsbruck, Innsbruck, 14-15. December 1998, page 29.

of legal protection in individual states, to which the verdict referred to, but also other states, in particularly the legal treatment of similar cases in the future.⁶ Therefore the case-law of the European Court presents an indispensable legal source also for the processes of normative upgrading of legal protection of human rights on a national and international level.⁷

While dealing with individual cases, some elements of the protection of the rights of the persons belonging to national minorities appeared in the case-law of the European Court and the Commission, and also some questions concerning individual or collective protection of individual minority rights. Interlocking of language, legal, political and cultural elements which relate to the equality of rights or non-discrimination of individuals or groups, usage of the language, the right to express oneself, privacy and protection of family life, education and establishment of organizations, the right to self-determination, culture and cultural rights; has lead case-law to touch upon the collective elements of individual rights.

Most often the collective elements of individual rights appeared in handling “cultural rights”, which widely interpreted include the most important areas of minority protection.⁸ In this context, the Commission and the Court, regardless of the “official” negative standpoint in dealing with minority rights in the proceeding of the individual cases, willingly or not, also touched upon collective dimensions, either in the process of the violation of the rights, or in the process of their exercising or implementation. From the case-law I have selected two cases, which reflect gradual evolution in the understanding of the role of the Court in deciding on the significance of the preservation of different identities as values of the whole society. Case-law of the European Court confirms that in making decision the Court has evolved regarding the perception of the role of the Court at judgment and “surveying the interests of the minorities and the desires and needs of the majority in each individual case”.

In the case of “a special lifestyle of the minority” in handling the grievance of two members of the population Sami on Norway the Commission decided in the year 1983, that first article of the European Convention for the Protection of Human Rights and Fundamental Freedoms does not acknowledge special rights to minorities.⁹ What is important is the statement that fundamentally “a special lifestyle of the minority” can be dealt with in the framework of protection of the privacy, family life and home (Article 8. of the European Convention for the Protection of Human Rights and Fundamental Freedoms).

6 Regarding the new arrangement in accordance with the provisions of the eleventh Protocol, the Commission is no longer operating. In the article I am debating its contribution in the past period.

7 To the case-law of the European Court for Human Rights also the Preamble of the Charter of Fundamental Rights of the European Union (2000/c 364/01) refers to, namely as one of the legal sources.

8 Material prepared by the secretariat of the European Commission for Human Rights in the year 1995 “European Court and Commission for Human Rights: Case-law on Cultural Rights” includes following areas:
Cultural identity (12 cases), Usage of the language (5 cases), Education (5 cases), Creative activity (4 cases), Establishment of the organizations (5 cases).

9 The case “of a special lifestyle of the minority” /complaint of two members of the population Sami on Norway (No. 9278 and 9415/81) A Commission decision of 3rd October 1983. In the text of the decision the expression “Lapps” is used.

The Commission found, that the interest in building of the hydroelectric power station is legitimate due to the reason of economic prosperity for the whole state and has rejected the complaint of the two Lapps that the planned intervention threatens their way of life and hunting.¹⁰

The Commission in its opinion established that in principle the minority is entitled to demand that “the respect of special way of life of the individual minority” is dealt with in the context of protection of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms as part of the protection of personal and family life. But this right does not have absolute validity. In its judgment whether a single case presents an actual violation, the Commission or the Court is in all cases bound by the second paragraph of Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which contains a delimitations clause due to reasons of threatening public order, health and morale. When dealing with single concrete examples, the general interest also has to be taken into consideration.¹¹ By considering the accordance of the claim with the general public interest of the wider society, the Commission has decided in the stated concrete example to refuse the complaint.

In the following years the Commission has defined, while treating the possible conflict applications and with surveying among the traditional way of life and interests of the community, 5 cases of the complaints of the Roma/Gypsies from Great Britain due to the intervention in their traditional way of life as acceptable for the procedure in front of the Court. In the context of this Article I summarize some findings from the case, which deals with protection of the traditional way of life of the travelling Gypsies in Great Britain (case of Sally Chapman versus United Kingdom).¹²

In the case Chapman the Court has while treating international documents which are important for the area of the minority protection “established that on the international level undoubtedly came to the consensus regarding meaning of the protection of the minorities, which is particularly reflected in Framework Convention”.¹³ Although in majority opinion the Court assesses that

10 In the area where Sami were hunting for elks and other game, the government was planning the building of the hydroelectric power station. Two members of the population Sami have complained to the European Court or the Commission, because of threatening of their specific way of life, because due to the intervention in their natural habitat the game was expelled. Commission first found out that the intervention only relates to small area of the hunting ground (only around 2.8 km²) of the wider hunting area. Regardless of this objective fact, it has also found out, that the intervention is justified due to general economic benefit for the entire state. Complainants were stating that their minority is in general victim of the discrimination and lack of understanding, therefore they were protesting for few days in the tent in front of the Parliament, and were unwillingly removed. The explanation of the decision in this part sounds two formal, when is explaining that “the complainants are Norway citizens and have passive and active voting right, and are therefore democratically represented in the Parliament, although the Lapps do not have ensured the representation.” European Commission of Human Rights, Decisions and Reports, No. 35, Strasbourg, February 1984, Application No. 9278 & 9415/81, page 35.

11 Such approach is reflected also in the Explanatory Report of the Framework Convention. In the explanation of the article 16 of the Framework Convention the Explanatory Report explains that the prohibition on changing the national structure of the particular areas does not apply for the measures, which are legitimate due to general interest. In the point 82 of the Explanatory Report the case of the migration of the inhabitants due do building of the dam is stated as an example of justified intervention due to general interest.

12 Chapman v. United Kingdom (application No.27238/95), judgment of 18 January 2001.

13 Points 93 and 94 (couple 55-59) of the explanatory judgment.

the consensus reached is not concrete enough to accept special measures, they the opinion of the Court regarding this fact "that the protection of the national minorities is not involving only the meaning of the protection of the interests of the minorities for the minorities themselves, but is also involving the *meaning of the preservation of the cultural diversity as value to the whole community*", contained important indicators for upgrading the case-law of the European Court. Interpretation of the protection of the national minorities which also presents the meaning of the preservation of the cultural diversity for the community as a whole shall enter new elements for the judgment whether in the given case the measures were necessary in the democratic society, and whether the balance between interests of the wider community and interest of the minority community is consistently held.¹⁴

LEGAL BASIS AND LEGISLATION OF THE REPUBLIC OF SLOVENIA

The constitution of the Republic of Slovenia ensures equal rights regardless of nationality, race or ethnical origin and forbids provocation of national, racial, religious or other intolerance. The infringement of these principles is defined as criminal offence by the Penal Code of the Republic of Slovenia Also the Media Act (Official Gazette of the republic of the Slovenia 60/06) contains provisions on the prohibition on the encouragement towards inequality and intolerance in its Article 8 and Article 47, and provides:

"It is forbidden to spread program content to encourage towards national, racial, religious, sexual or other inequality of rights, towards violence and war, and provoke national, racial, religious and other hatred and intolerance" (Article 8);

The Article 47 sets such a prohibition also in the area of advertising: *"With advertising it is forbidden to*

- affect respect of the human dignity
- encourage racial, sexual or national discrimination and religious or political intolerance
- encourage acts that are hazardous to health and security of people or protection of the environment or cultural inheritance;
- offend religious or political believes;
- harm interests of the users."

The foundations and the starting-points of the equal treatment of every individual regardless personal circumstances as nationality, race or ethnical origin, sex, health condition or disability, language, religious or other believe, age, sex orientation, education, material standing, social position and other

¹⁴ In the case Chapman v. U.K., has in the common conflicting opinion / judges established that there was present an infringement of the Article 8 of the ECHR. They think "that the Court should at its judgment take into consideration all the changes in the State Parties and take into consideration every appearing consensus in Europe regarding standards, which should be accomplished". In the separate opinion the judge Bonello gives the advice that »the Court should look further, over the so far existing practice."

personal circumstances are assured in The Implementation of the Principle of Equal Treatment Act (Official Gazette of the Republic of Slovenia 50/2004). The Republic of Slovenia has accepted the Act in May 2004 as a manner of implementing EU directive on fulfilling the principle of equal treatment regardless of race or ethnical origin. It is important that the Act in its first Article recognizes the meaning of the awareness for discriminative persons and for the alleged offenders and the society as a whole.

Prohibition of discrimination is included in the Employment Act in Article 6, and in special articles of the Acts which regulate particular areas. For example, Personal Data Protection Act (Official Gazette of the Republic of the Slovenia 86/04) in Article 4 provides:

“The protection of personal data is ensured to each individual, regardless of his or hers nationality, race, colour, creed, ethnical origin, sex, language, political or other believe, sex orientation, assets, birth, education, social position, citizenship, place or type of residence or any other personal circumstance”.

The possibilities for content action in the form of program provision are present mainly in the Acts, which are dealing with area of culture and education. Organization and Financing of Education Act (Official Gazette of the Republic of Slovenia, No. 12/1996, 64/2001, 108/2002, 34/2003, 79/2003) in its initial provisions as the goals of the educational system in the Republic of Slovenia sets also assurance of the optimal development of the individual regardless of sex, social and cultural origin, creed, nationality and physical or mental constitution and *education for tolerance, developing the awareness of equality of sexes, respect for distinctness and co-operation with others, respect for children’s and human rights and fundamental freedoms, development of equal possibilities for both sexes and with this, development of ability for the life in the democratic society.*

The state is obliged to act in such a manner also by relevant provisions of the quoted international instruments of which the Republic of Slovenia is a contracting party. in such a complex area, as is the creation of the conditions for the intercultural dialog, it is of course necessary that non governmental organizations, professional circles and representatives of the minorities cooperate on terms of equality. In the part of the control mechanism for the fulfilment of the provisions of the Framework Convention and European Charter for Regional or Minority Languages, is in all phases present the philosophy on more and more important and wanted role of the civil society with the promotion of the ideas and principles of the Framework Convention for the protection of the national minorities and enforcement of the provisions of European Charter for Regional or Minority Languages, and in the process of assessing of the fulfilment of the international standards.

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a presentation of »GOOD PRACTICE« IN SLOVENIA

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1. PROJECT: Let's face DISCRIMINATION

In June 2006 the Human Rights Ombudsman together with his Austrian partner, the Ludwig Boltzmann Institute for Human Rights, carried out a major project entitled Let's Face Discrimination. The project encompassed many activities and addressed a wide range of target groups. It started with intensive training of experts or the Train the Trainer seminar. Nineteen people participated in the training scheme, nine from the Ombudsman's office, one from the Office for Equal Opportunities, and the rest were selected from various professional spheres and included two police officers (teachers at the Police Academy), a university professor, a young researcher, a teacher/assistant from the National School for Leadership in Education, a Roma assistant, a labour inspector, an official from the Ministry of Labour, Family and Social Affairs, and an official from the Ministry of the Interior. The response of the participants was extremely positive. The majority of them expressed their willingness and resolve to use the knowledge they had gained in their working environment, and many of them were also willing to take part in the rest of the project.

In June they successfully carried out two seminars European approaches to discrimination and Law enforcement bodies without discrimination. These were followed by a series of seminars for different target groups and together we addressed more specific issues of discrimination: European approaches to discrimination, Law enforcement bodies against discrimination, Legal remedies and sanctions, Access to goods, services and housing, Education against discrimination, Ethics of public speech, Gender mainstreaming and multiple

discrimination, Discrimination on the grounds of religion, Discrimination in the workplace, Ethnic and racial discrimination, Roma and discrimination, Discrimination on the grounds of sexual orientation, Discrimination on the grounds of age and disability. In the course of the project over 500 people were educated in the 17 mentioned seminars and workshops. The project was concluded with a closing conference on the occasion of the Human Rights Day.

With this project the Ombudsman wished to help with providing conditions for a more successful operation of the whole structure necessary to fight discrimination efficiently. I believe this could also increase the scope of the so far scarce legal practice in this area which in his estimation does not reflect actual problems in society. Higher awareness and competence will be able to exert a long-term and strong influence on the development of democratic culture, mutual respect and coexistence with consideration for differences. This would undoubtedly help eliminate the reasons for violations of all other human rights and freedoms as well.

2. assistance for people at the margins of society

In their activities social work centres meet with members of Slovenian society who are driven to its margins because of their personal characteristics. In this way members of the Roma community have ended up on the margins of society, becoming, partly due to their nomadic lifestyle, to a large extent a marginalized and discriminated population in Slovenia.

The problems of the Roma community as a specific social and ethnic community have always been present in our environment and have received more or less attention through history. Although their standard of living is slowly improving it is still lagging behind the standard of other citizens. Their exclusion is most perceptible in the areas of education, employment, access to housing and inclusion in public life and the media. The role of social work centres in solving Roma issues is manifold and consists of:

- surveying the living conditions and the structure of the local Roma population
- awarding financial social assistance,
- work with adult Roma
- personal and material assistance,
- counselling,
- collaboration in including children in pre-school and primary school education,
- assistance in seeking employment (writing applications, job interviews, etc.),
- collaboration with various institutions in connection with Roma issues

and

- cooperation with Roma societies.

As part of these roles social work centres prepare and carry out many training programs for members of the Roma community such as:

- programmes for completing primary school,
- cooking and housekeeping classes,
- functional literacy courses,
- preparing young families for parenthood,
- helping Roma children integrate into school
- helping primary school children with learning disabilities,
- creative workshop programmes for Roma children,
- programmes for reducing social exclusion or increasing integration into the local environment,

In working with the Roma the following guidelines must be followed: it is necessary to work with the Roma and not for the Roma, to demand equal respect of rules in society from all people and remember that only a humane attitude, tolerant but just, may gradually break down prejudices and promote social equality.

3. equality in seeking employment

Local communities, nongovernmental organisations, the employment service and several public and private institutions collaborated in preparing the Roma employment centre programme. The Roma employment centre project was part of a European Social Fund programme - the EQUAL community initiative for Slovenia, the head of the development partnership being the Municipality of Škocjan together with 27 partner institutions. The goal of the project is to improve the status of the Roma community on a local, regional and national level.

So far each local community has approached the Roma issue independently while the developmental partnership of the Roma employment centre is a result of joint efforts on a regional level. These are aimed at improving the situation of the Roma in the labour market who as a workforce are not appreciated among employers due to their low motivation, poor education and skills on the one hand and strong prejudices and a negative social stigma on the other hand. The present conditions are driving the Roma to the extreme margin of society where there is little possibility of employment.

The project focuses mostly on resolving issues in the SE, Posavje and Central Slovenian regions where the Roma live. We are working with partners from the Prekmurje region and abroad, especially in exchanging positive experiences and cases of good practice, thus creating a national and international support network.

In the framework of the project all partners will examine previous methods

and measures for including the Roma in education, training and employment and use positive experience and good practices as a basis in joint creation of a positive climate for better inclusion of the Roma in education and work. We intend to develop programmes for motivating, training and educating the Roma and carry out motivation activities among employers to encourage employment of the Roma. The activities will mostly focus on:

- preparing a proposal for a strategy of Roma education and employment;
- preparing a list of occupations and types of work suitable for the Roma;
- informing the Roma about possibilities for education, training and employment;
- producing programmes of additional training for people working with the Roma (educators, counsellors, employers),
- motivating and identifying needs of employers for Roma workforce,
- putting the Roma employment centre into operation,
- building a data base of Roma job seekers and potential employers,
- exchanging information, experience, examples of good practice (including international),
- putting together proposals (initiatives) for changing or amending labour legislation.

4. education for equality – primary school initiatives

Only some of the aspects of activities in primary school are mentioned.

Young People and Migrations

The Martin Krpan Primary School in Ljubljana pays special attention to migrations and their effects in everyday life, in class and other school activities. Incorporating migrations into the school curriculum requires a multidisciplinary approach (historical, geographical, political, linguistic, sociological, economical, ethnological, statistical, etc.). Teachers must have a wide knowledge of the subject of migrations and use new teaching methods in class.

In cooperation with the Institute for Slovenian Emigration Studies the school prepared a three-year project »Young people and migrations«. The purpose of the project (2006-08) is to acquaint young people with migrations today and in the past and in this way get familiar with the diversity and wealth of other cultures, appreciate their home community and present it to others correctly. Good knowledge of one's own culture and other cultures enables harmonious coexistence with other cultures in the home environment and tolerance to others. In three school years children are learning about various aspects of migrations. In the first year the students learn about their own environment they come from under the motto "appreciating the native to appreciate the

foreign". In the second year students get to know other cultures belonging to students who moved into Slovenia. In the last year children are taught about the wider aspect of migrations in Europe.

Tolerating Otherness - a Step to a School of Equal Opportunities

The Janko Padežnik Primary School in Maribor is nationally diverse. The logical question is how to harmonize different habits, customs, special needs, family and cultural values and so on in a school or class. In order to deal with this successfully our school set itself two tasks: 1) to teach children that learning about and accepting different cultures makes them richer as persons, 2) to teach children of other nationalities how to live and work in their community and still preserve their own identity. Through various projects the school involved both children and teachers into this lifelong process.

The school prepared a wide variety of activities aimed at doing away with stereotypes and discrimination of individuals or groups of people. Some of these projects were »The Roma with us and among us«, »Different children - the school's wealth« and »Language dips«. The school not only carried out its own projects but also participated in international projects such as UNESCO's ASP-net - education for peace, human rights, tolerance and democracy, Comenius - EU programme for encouraging mobility and cooperation in education and preventive programme for decreasing violence, the project of BISP - programme for family literacy for adults and INTI - program for integration of children without citizenship and children of foreigners. Fighting against discrimination is a never-ending story which requires systematic and responsible work from all involved in the school education process.

5. activities of the slovenian police in preventing discrimination

Police work is connected with state authorities, power and force, various conflictive and violent situations, constant interaction with people, resolving disputes, discretion and selection, immorality and deviancy, and at the same time the actions of policemen have more serious consequences than those of civilians. For this very reason it is very important that police officers act morally and ethically. This is why the Slovenian police force carries out training in the field of human rights through verified training programmes for police officers. Training and education, which is generally performed at the Police Academy, focuses on the professional ethics of police officers. Part of the training is executed by representatives of the UN High Commission for Refugees, Ombudsman Office, Amnesty International, and others.

The training includes a series of programmes entitled Social skills, which directly or indirectly concern the respect for human rights and discrimination, including the following programmes which deserve special mention.

Training police officers for work in multiethnic communities

This programme is carried out within the framework of one-day training sessions at the headquarters of respective police directorates. The focus of the training is learning about the culture and history of the Roma and Roma communities in Slovenia and recognizing prejudice and stereotypes in connection with police work.

In this way they examine suitable and consistent practices of working with Roma populations in their specific field of work. Members of the Roma community also participate in the training in order to confront police officers and the Roma, so to speak. The officers were very satisfied with the training and made a very positive assessment of the role the Roma played in the training.

Learning the Roma language

From December 2005 to February 2006 the Police Academy organized and carried out forty-hour beginner courses in the basics of Roma language at the police directorates in Novo Mesto, Krško and Ljubljana. The officers learned the basics of the Roma language, language skills and vocabulary useful in their work, and also learned about their way of life, culture and language idioms.

Combating discrimination

The aim of the program is to understand discrimination, recognize its forms and mechanisms and learn how to apply legal regulations in fighting discrimination. The goal is to teach police officers, who meet with discrimination in their work, to respond correctly, either in cases of indirect or direct discrimination. Through the various methods of lectures, interviews and interactive group work the implementers of the two-day training programme acquaint the students with the fundamentals and actual cases from practice.

6. PREVENTING DISCRIMINATION IN PRISONS

Taking away a person's freedom directly concerns the area of human rights which is why it is important, in dealing with incarcerated people, to respect international standards, act in accordance with valid legal norms and observe international conventions, documents and reports. In prisons special attention is given to all who are "different", be it by citizenship, sex, religion, ethnic origin, special personal characteristics or cultural customs. This attention is shown by creating conditions for meeting their needs.

The basis for non-discriminatory treatment is an individual approach. Each individual is treated first of all as a person and not as a member of a certain social, national, ethnic or cultural community. What is in the forefront are their personal problems or difficulties both regarding their criminal offence and primary social environment (family).

Basic training of prison personnel, especially wardens, is aimed at teaching such methods of work which basically aim at non-conflictive treatment of each individual. Such an approach is present in all fields of training, whether involving

regulations, general theoretical knowledge, basics of modern communication and, last but not least, also methods of controlling prisoners which must be used merely for control and no other purpose such as coercion, humiliation or even torture. The training also includes special subjects relating to professional ethics and familiarity with relevant international instruments.

General ethic requirements fall into two parts: general ethical requirements and ethical requirements in relation to an imprisoned person. It has to be mentioned that the prohibition of discrimination refers both to respecting the rights of co-workers and the rights of imprisoned persons. As to the general orientation of the training system with regard to non-discrimination there have been no special forms of training so far except for the current programme of Roma language and culture courses for the prison personnel.

7. INTERETHNIC CONFLICTS AND ACTIVITIES OF THE SLOVENIAN ARMY IN PEACE OPERATIONS

In increasingly diverse societies it is essential to ensure equal communication among groups with a plural, diverse and dynamic cultural identity and different degrees of willingness to live together. The presence of peace forces in the country of the mission upholds peace and respect of human rights laid down in the key legal and political instruments of the international community.

The members of the Slovenian Armed Forces (SAF), who take part in peace operations in support of peace, are acquainted with the significance and purpose of the peace operation, their role as representatives of the international community and the cultural and social aspects of this community. It is very important to have the basic information on religion, family, language, social relations, food, which all condition cultural differences and behaviour. It is necessary to learn about the many different views on human rights and dignity. Peace forces operate according to the principle of four basic principles, i.e. neutrality, integrity, loyalty and independence. The members of SA learn the relevant rules in the course of training and preparations for specific missions. Knowledge of international law, including humanitarian law is compulsory for all members of the Slovenian Army. In addition special attention is given to areas such as interethnic interaction, mutual respect of religion and culture, gender relations, prevention of human trafficking, code of behaviour and so on.

Members of SAF were trained for peace operations in Bosnia and Herzegovina, Kosovo, Congo, Darfur, Iraq, Lebanon, Afghanistan, etc. The training included learning about the religion, customs and habits in the area of operation, carried out by psychologists and a military chaplain. Familiarity with the local religion helps members of SA act appropriately in working with the residents and preventing religious intolerance. A very important part of the preparations is getting acquainted with the nature of the conflict between ethnic

communities and the type of discrimination they are subject to, which is part of the informative preparation. This includes learning about the experience of members of the SAF who have returned from missions.

Assigning members to a mission excludes those individuals who are by family or in any other way related to the region of peace operations, mostly in order to maintain a non-discriminatory stance. The psychology unit of the Forces Command of the SAF conducts psychological preparation for members assigned to peace operations. Such preparation for operations in an international environment has been in use since 1997. In view of the tasks performed by the members of the SAF, psychological preparations have two main aspects.

The first regards the functioning of individuals within international armed forces where due to the nature of their work our members interact with members of foreign armies, which makes familiarity with their sociological, cultural, religious and other characteristics, views, behaviours and customs a condition for successfully performing a mission. The second aspect involves psychological preparation in view of the environment where members of the SAF will be active with an emphasis on the characteristics of the population in the region, their ethnic and cultural qualities and most of all suitable behaviour and attitude to the locals in the hosting country. Priority is given to respecting fundamental human values, written and unwritten rules of native behaviour with practical instructions, e.g. correct manners in drinking tea in Afghanistan, receiving and giving gifts in Kosovo, the difference between empathy with and sympathy to the local population, the significance of public, religious and local holidays etc.

CRITICAL VIEW ON PROCEDURES FOR ELIMINATION OF INJUSTICES AND DIS- CRIMINATION

The principle and teachers from the Primary School Janko Padežnik, Maribor, present their programme for integration of Roma pupils, Seminar for teachers, Rogaška Slatina, 22 - 23 June 2006



Prof. Dr. Thomas Bremer (Ecumenical Institute, University of Münster, Germany), Prof. Dr. Silvo Devetak (ISCOMET, Maribor), Matjaž Hanžek (Human Rights Ombudsman of the Republic of Slovenia) and Geraldine Scullion (legal expert, Northern Ireland) at the Conference on religious freedoms, Maribor, 10 - 11 October 2006



DO THE VICTIMS OF DISCRIMINATION IN SLOVENIA HAVE AN ADEQUATE PROCEDURE FOR THE PROTECTION OF THEIR RIGHTS?

The Slovenian legal order provides informal and formal procedures to persons who claim to be victims of discrimination which may help them to abolish discrimination or prevent it from continuing. Formal procedures are available through the human rights ombudsman and the advocate of the principle of equality. The latter is regulated by the Implementation of the Principle of Equal Treatment Act (IPETA), which has been in effect since Slovenia's accession to the European Union and which is meant to, together with the Employment Relationship Act, embody the directives of the EU on the prohibition of racial and employment discrimination.

Alleged victims may also avail themselves of formal procedures for ascertaining and abolishing discrimination which also includes the possibility to claim damages. Formal procedures involve a general inspection procedure regulated by departmental legislation as well as IPETA when the violator of the principle of equal treatment does not act as advised by the advocate of the principle of equality. Victims of discrimination may furthermore in case of certain criminal offences institute a criminal proceeding through information or a private action to prove the gravest forms of discrimination. The most appropriate formal types of enforcing a claim of discrimination are administrative and judicial proceedings, that is proceedings in the civil, labour, social and administrative courts. The final option available to alleged victims of discrimination, as the highest appeal in the Slovenian legal order, is to file a constitutional complaint with the Constitutional Court of the Republic of Slovenia.

Anyone who believes to be a victim of discrimination and has exhausted all national legal remedies can, if unsatisfied with the decision of Slovenian bodies, institute a proceeding at an international body or court competent to establish violations of the provisions of relevant international contracts concerning human rights, among other at the European Court of human Rights (ECHR).

What is the assessment of the actual state of legal remedies available to victims of discrimination in Slovenia?

general comments

Slovenia is party to the International Convention on the Elimination of All Forms of Discrimination (CERD). It must therefore ensure that the principle of prohibiting discrimination is observed by state bodies. Among other things the latter must not commit an act of discrimination either in regulations or in practice. The state must also make sure that all its bodies and the bodies of local self-governments act according to the stated obligation. All persons who represent the state must always act in a way that explicitly declares their stand against discrimination, even when it is perpetrated by a private person or organisation

State bodies must not uphold discrimination even if by silence. It is always their duty to make an explicit stand against discrimination and take active measures against it as they are obliged to under international law. If the principle of equal treatment is violated in the media when discussing a certain issue, the state bodies must in such cases immediately and invariably make a clear message to the public, by using the instruments available according to the legislation, that the violation of the principle is an unlawful act which should be treated as such. Failure to take action when necessary also constitutes a violation of the principle of prohibition of discrimination. Attention was brought to irregularities concerning the mentioned obligation by the Human Rights Committee¹ and the Committee on Economic, Social and Cultural Rights.²

One of the bodies which should make a clear stand that the affair in question involves discrimination, which is prohibited, is the Council for the implementation of the principle of equal treatment. The above body was founded on the basis of IPETA, its task being to supervise the implementation of the act's provisions, monitor, ascertain and assess the status of certain social groups in terms of implementation of the equal treatment principle, provide the government with proposals, initiatives and recommendations for adoption of regulations and measures necessary for implementing the principle of equal treatment, make proposals for expediting education, public awareness and research in the area of equal treatment of all people. The Council made no significant statement concerning the incidents in connection with the Roma in Ambrus to condemn discrimination.

The state must in accordance with the provisions of CERD also ensure the elimination of discrimination as a result of actions of individuals. It must disable private persons or organisations from practicing discrimination in any way. Racial discrimination, practiced by the mentioned subjects, must be prohibited and suppressed with all suitable means. Moreover the state must not allow, defend or support racial discrimination practiced by any person or organisation.

¹ CCPR/CO/84/SVN, 25 July 2005, <http://www.unhchr.ch/>

² E/C.12/SVN/CO/1, 25 November 2005, *ibid.*

deficiencies of ipeta

The first fault that has to be pointed out is that IPETA does not set any criteria for the appointment of the advocate of the principle of equal treatment. Since cases of discrimination often involve very complex and delicate matters with a frequently political connotation, the advocate of equal treatment should be a person trained for the job both in terms of suitable professional qualifications as well as experience in the area of discrimination prohibition. At any rate it would be sensible to define detailed criteria for appointing the advocate in the legal act. It might also be useful to change the very manner of appointing the advocate of the equality principle, in the sense of giving him or her the highest degree of independence.

Another scruple regards the inspection control of the implementation of the equal treatment principle. According to IPETA the inspector must, before proposing a violations procedure at the competent body, assess whether all signs of discrimination in Articles 4 and 5 of IPETA were present. The question here is, why is the latter necessary if the advocate had already assessed, in compliance with the provisions of IPETA, that the given case involved discrimination? If the goal of the act is to provide effective protection from discrimination it is pointless for the inspector to ascertain discrimination again if it has been previously established by a person specially trained for establishing the fact.

The logical impression is that the legislature does not trust the body that is supposedly best qualified to assess whether discrimination has occurred, i.e. the equality principle advocate. Double verification of the existence of discrimination is questionable from another aspect: introducing such a system may delay the initiation of a violations procedure, most likely to the disadvantage of the discrimination victim.

There are many unknowns concerning proving a discrimination violation in an administrative procedure. Under IPETA alleged discrimination victims can demand a hearing of the violation in administrative proceedings and other competent bodies under conditions and in a manner defined by law, and have the right to damages by the rules of civil law. In these proceedings the shifted burden of proof applies: when in the stated proceedings the victim of discrimination specifies facts justifying the presumption that the prohibition of discrimination was violated, the alleged violator must prove that he did not violate the equal treatment principle or the prohibition of discrimination in the case heard.

IPETA, however, does not contain any specific provisions on how the victims of discrimination should prove that discrimination occurred in specific proceedings. On the basis of a general provision in IPETA which refers to administrative procedures it may be only assumed that victims of discrimination can demand a hearing of a violation of the equal treatment principle, when involving administrative proceedings, in all cases where the General Administrative Procedure Act (APA) is used. E.g. The Pension and Disability Insurance Act

specifies that in determining the rights of compulsory health insurance the provisions of APA apply, if not otherwise provided in the act; furthermore the Social Security Act provides that social security institutions, which by exercising public authority determine the rights, obligations and legal benefits of individuals, should act in compliance with the provisions of APA; the same act is also used in procedures which are conducted under the Parenthood and Family Earnings Act and many other acts (Health Care and Health Insurance Act, Employment and Insurance against Unemployment Act, Higher Education Act, etc.).

That is why the provisions of IPETA or the General Administrative Procedure Act and any other acts should be amended in such a way that would better regulate the right of the victims of discrimination to assert their rights in administrative proceedings, which would provide better protection from discrimination in administrative matters or proceedings, i.e. in all cases when the state relates to an individual from a position of power in performing its governmental function, where the rights of the weaker party, that is a natural or juristic person, need protection. Similarly the proceedings in the Administrative Court of the RS needs to be adjusted to the proceedings for protection against discrimination. If all legal remedies are exhausted in the administrative procedure and the administrative decision becomes definite, an administrative dispute may be instituted against it. But neither IPETA nor the Administrative Dispute Act contain any special provision referring to the rights of alleged victims of discrimination in the proceeding in this court.

There are more unresolved issues regarding civil procedures and labour or social disputes in which claims based on the violation of equal treatment principle may be brought. It may be assumed that the rules of civil procedure will most likely be applied in cases when victims of discrimination will enforce their right to damages in competent courts in accordance with tort law. They may enforce their right to damages for material or immaterial damage. The application of rules of civil law is also, as mentioned, provided by IPETA. However, the provision of Article 22 of the stated act is very general which makes it questionable whether in practice the victim of discrimination will actually be awarded damages. Discrimination will be hard to prove and indirect discrimination even harder.

Similarly questionable is the provability of the causation between the damaging event and the suffered damage because in Slovenian tort law the system of shifted burden of proof is already well established. Under Article 131 of the Code of obligations (CO) the fault of the person causing damage is presumed. The latter will thus have to prove in accordance with the provisions of CO (and Article 22 of IPETA) that the presumption is invalid. The injured party, in our case victim of discrimination, will have to prove all other elements of the definition of damage, i.e. the damage, unlawful damaging fact and causation between them. Only practice will show whether he can succeed.

The following important unresolved question concerns the participation of

nongovernmental organisations in proceedings dealing with violations of the equal treatment principle. IPETA provides that in accordance with the law they may participate in judicial and administrative proceedings initiated by discriminated persons due to a violation of the prohibition of discrimination. In Slovenian legal order only those persons (with some exceptions, e.g. in consumer disputes, minor copyright disputes) who claim injury of their rights have the capacity to sue. As mentioned, the directive on racial equality binds EU members to acknowledge the capacity to sue in procedures, in which legal protection against discrimination is ensured, to associations and organisations which have, in accordance with criteria provided by national regulations, a legal interest in commencing proceedings and participating in them on behalf of or merely in support to the person affected.

Full implementation of the relevant directive would thus require an appropriate change of legislation so that capacity to sue would also be provided to the persons referred to by the directive. But IPETA has not provided this change. This fact gives rise to the question whether it was the legislator's intention not to provide the capacity to sue to nongovernmental organisations. IPETA has, instead of regulating the capacity to sue in accordance with the directive, explicitly specified that these organisations may participate in administrative and judicial proceedings in accordance with Slovenian laws, which exclude such a capacity. Participation of nongovernmental organisations in such proceedings would be sensible as these organisations are experienced in handling cases of discrimination because they deal with them in various ways.

FINDINGS REGARDING INTERNATIONAL PROCEDURES

Slovenia is party to all international contracts which prohibit discrimination on the basis of which it acknowledges the competence of bodies to supervise the implementation of these contracts. It is party to the European Convention on Human Rights (ECHR) and almost all its protocols.

The key finding regarding proceedings in international bodies or courts, which perform control over the implementation of international norms, is that Slovenia still has not ratified Protocol No. 12 of ECHR. This disables victims of discrimination after having exhausted domestic legal remedies in cases from resorting to ECHR in cases in which the stated protocol applies. Because Protocol No. 12 of ECHR prohibits all discrimination in enjoying rights in implementing any right provided by law, it crucially broadens protection in regard to the persons it pertains to (*ratione personae*), since it pertains to all individuals who are situated in the territory of any contracting party to ECHR or Protocol No. 12. and in a similarly significant way stretches protection with regard to the scope of prohibition of discrimination (*ratione materiae*) as it places under control all actions of public authorities in the contracting party to ECHR and the protocol,

all victims of discrimination are greatly deprived of the protection they would enjoy on the basis of this protocol if Slovenia ratified it.

In addition to the above it is found that the Slovenian government does not inform the public of findings of international bodies, competent for supervising the implementation of international contracts prohibiting discrimination, although these bodies are calling upon the government to disseminate the findings of their reports as broadly as possible. The reports of the Committee on Elimination of Racial Discrimination (from the years 2002 and 2003) and the Human Rights Committee and the committee on Economic, Social, and Cultural Rights from the year 2005 have not been published anywhere so far.

CONCLUSION

As evident from the above stated the Slovenian legal order urgently needs legislation changes, particularly in IPETA and certain provisions in relevant acts, on the basis of which the content of EU directives on prohibition of discrimination would be appropriately transferred. The aim of legislative changes should by all means be first of all to simplify proceedings which ascertain whether discrimination has been practiced and adjust the proceedings to the protection of the weaker party - as a rule the alleged victim of discrimination.

It is to be hoped that raising the awareness of victims and potential victims of discrimination as well as the entire society through educational projects such as Education against discrimination will speed up the development of legal practice in this area which has been poor so far. Only actual cases handled by administrative bodies and courts will show whether the legal regulation of prohibition of discrimination in Slovenia is in fact appropriate.

RECOMMENDATIONS TO RE- PUBLIC of SLOVENIA

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Drolkhar
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freedoms,
Maribor, 10
- 11 October
2006



Concluding
photography
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Conference
on Religious
Freedoms and
Discrimination
of People on
the Ground of
their Religion
or Belief,
Maribor, 10
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2006



RECOMMENDATIONS TO REPUBLIC OF SLOVENIA

Problems connected with discrimination are for the EU as a whole one of the fundamental ethic, political, social and security questions, which have to be dealt with outmost seriousness and it is necessary to search for long-term solutions for them, as from their resolving, as being stressed by the European Commission, depends also the successfulness of fulfilment of the EU Lisbon development strategy goals.

The European Union has in the year 2000 adopted the norms on prohibition of all forms of discrimination in its members states; into these norms are, among other grounds, included also racial and ethnic origin of a person and/or his religion or religious belief as potential grounds of discrimination. The member states are, among other, obligated to realise the aims of these European legal norms with adoption of the relevant internal legal regulation and with other relevant measures or policies. Important is also their obligation to create everywhere, where this does not exist yet, possibilities that all those, who believe to have been victims of discrimination, have on disposal adequate legal ways for elimination of the injustice. The states are obligated to report on all this to the European Commission, which can in the justified cases also start procedures in front of the Court of Justice of the European Communities against the states, which did not fulfil their obligations.

The European Commission has in the year 2004 entrusted to the Consortium of university and other institutions, being coordinated by ISCOMET - Institute for Ethnic and Regional Studies from Maribor, a task to carry out a two-year international Project: "Training and Education for Combating Discrimination in Slovenia". In the framework of the Project were organised, among other activities, international seminars for different target groups: for members of ethnic communities, which are not recognised with the Constitution of the Republic of Slovenia; for members of ethnic communities, which are mentioned in the Constitution of the Republic of Slovenia; for judges, prosecutors and lawyers; for policemen, prison warders, for members of the Slovenian army; for workers in the public administration, employment agencies, centres for social work, for trade union functionaries and for principals and teachers in the primary schools.

Organised was also an international conference on religious freedoms and discrimination of persons on the ground of their religion or belief. The

Concluding conference of the Project was held on 12 February 2007 in the premises of the National Council in Ljubljana.

In realisation of the project we have departed from the presumption that in the current circumstances in Slovenia and in its neighbourhood as well as with regard to the historical traditions, which are today still present in our lives, can the managing and resolving of the problems connected with ethnic and religious discrimination be a factor of its consolidation in “unity in diversity”, in the sense of building of a harmonious multicultural society.

Non-resolving and spreading of these problems can, on the other hand, be a cause for the political and social-economic instability of Slovenia; whereby the possibilities for its unhindered economic and social development as well as for its further corroboration in the international community would significantly diminish. Slovenia will regarding these issues be even more exposed and with this also vulnerable in the period of its EU presidency in the year 2008.

In the framework of the International Project “Training and Education for Combating Discrimination in Slovenia” six recommendations or proposals were been formulated, which we would like to transmit to the Slovenian and international political structures and expert public:

FIRST RECOMMENDATION FORMULATION OF THE PROGRAMME OF SLOVENIA FOR THE FIGHT AGAINST DISCRIMINATION

The issue of discrimination covers many vital traps, which can not be eliminated without knowing the details about its structure and modes of functioning. The concealed conflicts can in certain political and socio-economic circumstances come to the surface with impetuosity, which can not be handled with classical instruments of the state. The legal provisions can only alleviate, but not eliminate the social and economic causes of discrimination, which are mostly connected with psychological traumas or religious and ethnic prejudices, be it among those who “discriminate” or among the “discriminated” ones. Actually it is possible to start to remove them from the social tissue only with the help of adequate and well programmed long-term policies and strategies on the cultural, economic, social and other fields; with adequate programmes of training and education of the youth and resident population in general and with adequate arrangements of the local self-government, administration functioning and the political system; which all has to be based on the scientific-research results of the study of this issue. Therefore we recommend:

1. The government should, in cooperation with organisations and institutions of the civil society and in cooperation and support of all people of good will, formulate thoroughly prepared and long-term oriented programme of elimination of discrimination in the Slovenian society, which would start in the year 2007, which is the “European year of equal opportunities

for all". Such a programme for elimination of discrimination in Slovenia should, also in the sense of the implementation of the above mentioned Directives of the Council of Ministers from 2000 and other international obligations of Slovenia, become one of the priority tasks of the reforms, which are being announced by the current governmental coalition or it should become a part of the developmental programmes of Slovenia.

2. The Research Agency of the Republic of Slovenia and other sponsors should, in contrast to the so far existing practice, encourage research programmes, which refer to the study of different aspects of discrimination on ethnic or religious grounds in the Slovenian society and still especially to the implementation of the EU norms from this field in Slovenia.

SECOND RECOMMENDATION

HARMONIZATION OF THE SLOVENIAN LEGISLATION WITH THE EU NORMS

It is necessary to revise and supplement the law, with which Slovenia has implemented the EU Directives from 2000 into its legal system (Law on realisation of the principle of equal treatment - ZUNEO), not only in the sense of the observations, which the European Commission sent to Slovenia already in 2006, but with regard to other questions as well. It would be necessary to arrange especially the following:

1. "The Office for Equal Opportunities is as a governmental expert service competent only for shaping the policy in the field of gender equality; whereby in the field of discrimination on the ground of other personal circumstances it functions merely as a coordination body" is written in the letter explaining why the representatives of the Office and the "Advocate of the Principle of Equality" will not take part in the Concluding Conference of the international Project "Training and Education for Combating Discrimination in Slovenia". It is, thus, obvious that it is necessary in Slovenia to form an **independent, autonomous** body for dealing with discrimination, which would have, as requested by the EU Directives, the following tasks: 1) study of discrimination, 2) publishing of reports on appearances of discrimination, 3) informing the public and 4) legal assistance to individuals in the case of discrimination, whereby it is necessary to define more precisely the criteria for performing the function of advocacy. In this context it is necessary to form ways for protection of persons, who intercede on behalf of victims of discrimination and are because of that confronting different difficulties and excommunications from the Slovenian society.
2. It is necessary to arrange, in line with the EU Directives, a possibility that the non-governmental organisations initiate procedures and

represents the victims of discrimination, as well as to create new procedural possibilities for, for example, administrative procedures, which would be open on disposal for the victims of discrimination. Next to that Slovenia has to ratify as soon as possible the Protocol 12 to the European Convention for Protection of Human Rights and Fundamental Freedoms, which entered into force on 1 April 2005. The Protocol will, to our persuasion, together with the effective implementation of the above mentioned EU Directives, open a new chapter in the fight against discrimination in Slovenia. The Protocol binds every member state of the Convention that all its norms are carried out without any discrimination. The essential novelty is that the victims of discrimination, who will not be able to reach the justice at home, will according to the Protocol have on disposal also the procedure in front of the European Court for Human Rights in Strasbourg.

THIRD RECOMMENDATION

TRAINING AND EDUCATION FOR COMBATING DISCRIMINATION AND FOR THE RESPECT OF EQUALITY IN DIVERSITY IN THE SLOVENIAN SOCIETY

The discriminatory attitude of the general population towards the single groups of persons inside Slovenia or towards the neighbours is manifested in the form of the stereotypes, as are: “the erased are the traitors of Slovenia, who yearn after big compensations”, “the members of Italian and Hungarian community are privileged and have among other also the ‘double’ voting right, which represents the discrimination of the members of the ethnic majority”, “Roma persons are law-breakers in conflict makers, who in a great majority live from the (unjustified) social subsidies and who do not want to assimilate into the ethnic majority”, “members of the nations of the former Yugoslavia do not want to assimilate into Slovenian society and demand some privileges; and in several cases they represent a threat for the stability of Slovenia”.

The experiences from the past show that it is possible, without special trouble, especially if a certain option disposes with the national TV, to spread nationalistic, xenophobic and similar ideas among the low-educated and socially endangered or ideologically and politically manipulated parts of population with the aim to gain their voting support. The problems arise at the point when these ideas in the favourable social and political circumstances take over their own logic and grow to the extent which can not be controlled anymore and without any supervision continue their social-political “mission”. Such circumstances can represent a fruitful ground for the development of the non-democratic and absolutistic forms of government in a certain society.

We recommend the following activities:

1. It is necessary to systematically spread in the Slovenian public awareness about what discrimination is as well as about what moral-political values carries and which advantages brings to Slovenia the multicultural society, that is based on the principle of equality of people regardless of their ethnic, religious or other differences or on the respect and acceptance of the diversity. Standpoints on these issues declared by the politicians in their public appereances have an important infulence on formation of these values in the society.
2. The basic responsibility in the training and education of children in the spirit of tolerance towards diversity and in the sense of respect of equality in diversity in the Slovenian society assumes the system of training and education; that why it is necessary still more precisely and based on relevant expertise to continue and in praxis simultaneously introduce the existing contextual, pedagogical and programme-organisational conceptions and activities, whereby it is necessary to take into account also experiences from other countries in this regard.
3. In the framework of the media expert associations and through other adequate ways it would be necessary to develop programmes of education of journalists about the questions connected to the appearances of discrimination in Slovenia. The distinction between “law” and “out-law” is dangerously pulled down especially then when the patterns in the favour of “out-law” are spread by those media or those journalists, who try faithfully to listen to the taste of the politicians or who do not posses their own ethical criteria.
4. Churches and religious communities, still especially the Roman-Catholic church, which has the biggest number of believers, can give a great contribution to the “education” of the inhabitants for the life in a multi-ethnic and multi-religious community, as is Slovenian society.
5. Political elites in Slovenia should not use the problems connected with discrimination for gaining voters, but should, to the contrary, show greater interest for a more profound recognition and management of the complex social problem as is discrimination; and for identification of its social, economic and other causes and finally, for the beginning of the coordinated fight for its elimination in the sense of the implementation of the EU Directives of 2000. Beside all this it is important to stress, that the adopted international-legal obligations of Slovenia in the field of elimination of discrimination, among other, impose to the representatives of the state that in the cases of discrimination clearly declare in public that discrimination is prohibited.

FOURTH RECOMMENDATION

TRAINING OF THE POLICE AND THE WORK OF THE JUDICIAL SYSTEM

In the fight against discrimination is the state repression only the very utmost means for the enforcement of the rule of law. Much more important is the preventive activity of these systems of the state. Therefore we recommend the following:

1. The Slovenian police have up to the present executed several projects and programmes for the training of the policemen for the fight against discrimination. There however still exist numerous questions, which demand additional expert education and organisational training of policemen for the fight against discrimination in Slovenia, especially for their work in the ethnically and religiously mixed environments and along the future Schengen border. The inclusion of the members of the minority communities into the police force will increase the effectiveness of the police in the fight against discrimination. In the realisation of his tasks finds a policeman himself more than anybody in the split between the expectations of the public that his activity will be effective and the obligation to respect human rights and freedoms and to assure equal treatment of persons without discrimination. The politics, however, can not expect that our policemen will solve the problems, which the politicians caused themselves or they alone are not capable or do not wish to solve in order not to lose their “popularity” among the voters.
2. The most dangerous for the “rule of law” in a certain society are the cases, when a certain obvious act of discrimination, which in public repeatedly remains unhindered or un-punished, is accepted as the “right one” by the “public opinion” and through this the threshold among the “law” and “out-law” is arbitrary shifted towards the benefit of the last, of course. The judicial system, which does not dispose with experiences in this field, has important role to consolidate the limit between the “law” and “out-law” though thorough treatment of single confirmed cases of discrimination.

FIFTH RECOMMENDATION

INTERNATIONAL COOPERATION OF SLOVENIA

It is necessary to stimulate international cooperation of Slovenia, as well as that of the non-governmental organisations which function in its frame, in the fight against discrimination, still especially in the present year of “equal opportunities for all”. We draw attention to the importance of the two activities:

1. In the spirit of the similar programme which exists inside of the EU, it would be necessary to stimulate different contacts and forms of

cooperation of institutions and organisation of the youth with the related institutions and organisations in the neighbouring states. Such cooperation could essentially contribute to the removal of the stereotypes and negative appearances especially in the relations of Slovenia with Croatia and Italy.

2. Our public is not informed enough about the experiences of the peace missions of the Slovenian army in ethnically and religiously mixed environments in Afghanistan, Lebanon, Macedonia, Kosovo and Bosnia and Herzegovina, where they have in very difficult circumstances to consolidate equality between people regardless of their race, ethnic origin or religion. Slovenian soldiers will in the peace mission confront new challenges. In illustration of the big responsibility that the members of the Slovenian army carry, let us give the following example: eventual unexpected events in the part of Kosovo, which will be under command of the Slovenian army and which is in the security aspect one of the most complicated part of the region, can “overnight” significantly change the view over the credibility of Slovenia and in return influence also the problems, which are connected with the inter-ethnic relations in Slovenia.

SIXTH RECOMMENDATION

CONTRIBUTION OF SLOVENIA AS A PRESIDING COUNTRY OF THE EU IN 2008

The settlement of the following questions would undoubtedly contribute to the reputation of Slovenia in the world before its taking over the Presidency of the EU in the beginning of 2008 and to the consolidation of its credibility of its accompanying international programmes:

1. Arrangement of the linguistic rights and cultural development of the members of the constitutionally non-recognised minorities in line with articles 61 and 62 of the Constitution.
2. Inclusion of the representatives of Roma community into the decision making processes about the socio-economic, spatial-planning and similar programmes on all levels and still especially in the preparation of the Law on Roma community.
3. Final restitution of the rights, which the government has with the administrative measure in 1992 taken away from the “erased” and
4. Arrangement of all the necessary for the construction of the mosque, with which the equality without discrimination of the Slovenian citizens of the Islam religion would be confirmed.

Karsten
Fledelius
presents
experiences
of Denmark,
Conference
on religious
freedoms,
Maribor, 10
- 11 October
2006



Nataša Šivic,
Hindu Reli-
gious Commu-
nity in Slovenia
Conference
on religious
freedoms,
Maribor, 10
- 11 October
2006



mag. tomaž klenovšek

FINAL REPORT OF THE EXECUTED INTERVIEWS WITH THE PARTICIPANTS OF THE SEMINARS OF THE IN- TERNATIONAL PROJECT “TRAINING AND EDUCATION FOR COMBATING DISCRIMINATION IN SLOVENIA”

FIRST SEMINAR – CONSTITUTIONALLY UNRECOGNIZED MINORITIES (13TH AND 14TH OF MAY 2005, GRAND HOTEL ROĀARSKA, ROĀARSKA SLATINA)

The Slovenian constitution treats the minorities in Slovenia in a quite unique way, where special rights are guaranteed only for the older “autochthonous” minorities; therefore the first seminar was prepared on the analysis of the legal viewpoints of the existence and activities of ethnic groups, which are in the Slovenian constitution not recognized as autochthon, because they are supposed to have “immigrated” into Slovenia. Above all these are the ethnic groups from the former Yugoslavia (Croatians, Serbs, Bosnians, Macedonian, Albanians and Montenegrins) as well as the German speaking minorities in Slovenia.

During this seminar the participants have been acquainted with the protection of minorities guaranteed by international and national law, as well as the possible proceedings offered to victims of discrimination.

A integral part of the seminar presented also the interviews with the invited representatives of the above mentioned minorities, in which we tried to caught all their important areas of life of our interviewees (family, local environment, work environment), whereby the emphasis was on their understanding of discrimination on the basis of ethnic heritage and religion. In detail, the questionnaire captured following thematic areas:

- a) experiences of the participants with matters of discrimination,
- b) family life and private sphere,
- c) language skills,
- d) relations with media,
- e) organization on ethnic basis and relations with culture of heritage,
- f) relations between minorities,
- g) relations to state institutions and experiences with proceedings before national authorities and international institutions,
- h) employment and work,
- i) cultivation of religion and
- j) personal identity.

At the first seminar 17 representatives of the constitutionally unrecognized minorities took part in the interviews. While presenting the answers one important accentuation has to be made: because of such a small sample, the outlined answers and suggestions are not representative for the particular minorities or this group a whole entity. Therefore it would be misleading to draw any definite conclusions on this basis. But, our interviewees, mostly presidents or secretaries of minority cultural societies, presented some kind of intellectual elite of their communities, and consequently their knowledge of the addressed problems is much deeper and highly representative.

a) The concept of discrimination

The first set of questions focused on the views of our participants on discrimination. With respect to the fact, that both seminars for minorities (constitutionally recognized and unrecognized) were intended for the education and training about discrimination in Slovenia, the view of (potentially) victims of discrimination is a starting point for the further activities.

Towards the question *"What do you understand under discrimination on ethnical basis?"* the representatives of our first seminar responded with rather different answers. Mostly they stem from various personal experiences or experiences of the particular minority they come from:

"I will bring forward a real case. In Ljubljana we had a traditional Serbian wedding, a rather huge one, like it should be in our tradition. There were many wedding guests and we all went on the castle in Ljubljana. There the wedding ceremony takes place, and then it continues in the church. In front of the castle ten young men stood in a row holding a Serbian flag, like it is in our custom. Suddenly the police arrived, and they grabbed these young men and squeezed them into their small van. It was humiliating..." (representative of Serbian minority).

Others expressed broader views, like

"Discrimination is unequal treatment in equal situations, for example when applying for a job...".

Most probably the views and opinions of this particular group were best summarized in this answer:

"For me discrimination on ethnical basis means, that the so-called "new" minorities, which came into existence after the split up of former Yugoslavia, are not recognized in the Slovenian constitution. Why is this important? Because if they were recognized, then they would be equally treated like the Italian, Hungarian and Roma minority, in short, they could put forward there collective rights, it would be easier to enforce our cultural identity, and this question is also linked to financial improvements, because if we were constitutionally recognized we would get more financial help from the state budget. Just for the comparison I can tell you, that the three constitutionally recognized minorities in this year received approximately 640.000 € from the state for its cultural projects. All the other minority communities together and they

represent about 170.000 members, therefore almost 10% of the population in Slovenia, received about 80.000 €. No wonder that we have huge difficulties in realizing our projects (representative of Bosnian minority).

With the second and third question of this set we asked our participants about their personal experiences with discrimination and which forms of discrimination they faced.

Although the experiences of our interviewees were rather different, their stories had some common characteristics:

- without exemptions they all knew about a case of discrimination on ethnical basis, and one third of them were victims on their own, most likely related to difficulties with employment or their work environment
- the most common form of discrimination is verbal attack, and all of our interviewees have been victims of this kind
- none of our interviewees have been physically attacked, neither they exposed problems of this kind.

b) family life and private sphere

Regarding this area we were interested in the nationality of the spouse or partner of our interviewee, the language they use in their family, if they had any troubles because of a marriage of mixed nationality, and finally where their closer relatives live.

Most of our respondents were in a marriage with a person of the same nationality, what resulted also in the use of their mother language within their family circle. That this praxis is not always considered as unproblematic is pictured in this case:

"Within our family we speak Macedonian language. But, if I was not so sure that this is right, we would most probably not use this language at home and my daughter would blame me today. Because years ago, when she started to visit the kindergarten, the headmistress told my wife that if we wish well for our daughter, we should speak for her benefit in Slovenian language at home, otherwise we would cause her unnecessary troubles. So, my wife came home and told me, that from now on we will speak Slovenian at home, for the sake of our children. I did not feel discriminated at this moment, but I stayed calm. The next day I took the children to the kindergarten and went to see the headmistress. When we were alone I told her, what my wife told me and asked her to leave the decision and responsibility to us, whether our children will learn proper Slovenian language or not."

c) language skills

In this section we were interested in three aspects: first, which are the languages that our interviewees speak, second, whether the level of their performance of Slovenian language affected the cases of discrimination they probably faced, and third, do they desire to preserve their language with sending their

children to supplementary language education, if this possibility would exist. With regard to the first question it became clear, that all of our interviewees were real polyglots: the all speak at least two languages (their mother tongue and Slovene) most of them also a third or fourth language, what was always correlated with their formal education. Concerning the question how much language skills correlate with aspects of discrimination which they faced, most said that they did not have serious problems because their knowledge of Slovene is not perfect, but nevertheless the answers revealed, that people in Slovenia sometimes have a distinguishing understanding of foreign languages, as this answer portrays: *"...a lot of people feel irritated, when I speak in Albanian language with my brother. This bothers them a lot, even if I do not know why. For example, if I would speak English, this would not bother anyone. But if I speak Albanian, this bothers almost everyone. People are ignoring me or looking with an ignorant attitude."* These sentences confirms the duplicity which is present in Slovenia in the last decade; everything what comes from the West we accept with open arms, but refuse everything from the cultural background of the former Yugoslavia.

The most important comprehensions from this complex is in the overall consensus of our interviewees, that they consider the preservation of their language as a most important tool for their cultural identity, therefore they would all sent their children to supplementary language education if this would exist. It has to be emphasized that in some cities for some minorities there are such arrangements, but the in general they all face financial problems, and therefore even these positive examples are not long term projects with a certain stability.

d) relations with media

The main aim of this section was to identify, which media are available to the minority groups of our interviewees, especially if it is possible for them to access media in their mother language (newspapers, books, radio and TV).

For this reason we asked three questions; the first one, concerning the language in which they read newspapers, the second about the availability of newspapers, magazines and books in their mother language in Slovenia, and the third about watching TV (preferably in the language of the particular minority).

It is a fact that the accessibility of the different media varies a lot for the Slovenian minorities, a fact that was also visible in the answers we received: for example, the representatives of the German-speaking minority were in this view quit satisfied, because they have a rich offer of different newspapers, magazines, books, radio and TV programs which are available all over Slovenia. Very contrary to the situation of the Albanian minority, this has only limited access to all mentioned media. Nevertheless that we are living in the electronic age and all minorities have the possibility the watch emissions from their country of origin via cable TV, the overall shortcoming for these groups is maybe best illustrated in this answer: *.."we are missing emissions in our*

language in the program of the public Slovenian radio-television. There still is no emission, which would deal with the Bosnians living in Slovenia. Yes, you can watch over cable TV what is going on in Bosnia, but you can not watch what is going on in Slovenia. For example in Croatia they have on their public TV a weekly emission, in which they present the Bosnian community living in Croatia; this emission could be some kind of model for the RTV Slovenia."

e) organization on ethnic basis and relations with culture of heritage

In this section our interest was directed toward the problems of the particular ethnical communities, the main activities of their cultural associations, further the relationships of their country of origin towards their association, and as well the relationship of the state of Slovenia and the local authorities towards their association, their opinion about the relations of their country of origin and the Republic Slovenia, and finally, what the Slovenian state should do for the improvement of the position of their ethnic community.

The answers we received were of course quite heterogeneous, but anyway some common characteristics could be identified: the foremost priority of the associations on ethnical basis in Slovenia is the preservation of cultural identity as well as the cultivation of solidarity and social gathering of their members. Most cultural associations do have some kind of relations with the respective authorities of their country of origin, but their form of help is mostly limited to organizational support, rarely do they receive finance grants. In general our interviewees had the standpoint, that the official state politics towards their country of origin does not have strong influence on their relations within their local community, because politics is one thing, and relations and friendship among people are another story. A good example for this could be the relationship(s) between Slovenia and Croatia. From a general point of view, the relationship between Slovenia and the countries of former Yugoslavia was in general considered as good, a fact that is also visible in the strong economic presence of Slovenian companies in this part of Europe.

There was strong consensus among all our interviewees what the Slovenian state could and should do for the improvement of their position in Slovenia: the official recognition of the particular minorities within the constitution. In the view of our interviewees this political act would not only improve the relationships between Slovenia and the other states of former Yugoslavia, but also serve as an avenue for the settlement of institutionalized forms for cultural preservation, especially for supplementary language education.

f) relations between minorities

The main task in this section was to get a clue about the relationships among the particular minorities in Slovenia. In concrete, we asked the particular representatives of the first seminar with which other ethnical groups they have what kind of contacts. The general impression of these answers can be summed up in the finding, that the relations among the minorities living in

Slovenia are predominantly good, some cultural associations have strong ties with associations of other minorities, some celebrate church holidays and other events together, also are the relations with other Slovenian cultural associations in some local extraordinary, but because of the different practices all over the country it is of course impossible to generalize the received answers. That the wounds of the past are still not completely healed is visible from the answer of a representative of the Serbian minority: "With all we have good relations. We organize literary events which are also well visited by representatives from other minorities. But when we organize a party, we do not invite others. You know how this is, some drinks and a song with a national content, and soon could there be trouble...".

g) relations to state institutions and experiences with proceedings before national authorities and international institutions

In this section we asked our respondents about their experiences with the Slovenian state and their authorities in general. Therefore we asked them, if they know to which authorities they can turn if they are victims of discrimination and if they probably have done this step in the past, then which state authorities they trust in general, and finally, if they know any procedures or authorities they can turn to international authorities.

The answers of our interviewees revealed that the majority of the members of the minorities in Slovenia have only little information about the possibilities of protection of their rights in cases of discrimination, and only two one of our respondents started a procedure based on discrimination. In general it would be justified to conclude, that these questions are closely linked to the level of education; representatives with higher formal education were more aware of their rights than those with lower education. With regard to the question of trustworthiness of state institutions the received answers were no surprise: like in other public opinion surveys, the trust in state institutions is very low; the only exemption - as a trustworthy institution the ombudsman was mentioned, even if most of our interviewees regretted that he does not have more power as stated in the Slovenian constitution.

h) employment and work

Because discrimination is often linked to work in the broadest sense, what means from applying, to interviewing and actual work, we were very interested in these aspects, especially whether they experienced any difficulties because of the fact, that they are not ethnic Slovenes? The answers of we received were no surprise: most respondents were not victims of discrimination at work. Maybe it is justified to assume, that this is correlated with the degree of formal education and consecutively with the work environment, although our interviewees called attention to the fact that this phenomenon does exist. But sadly one of the representatives of the Roma community had a very bad personal experience: *"Two months ago I applied for a job. They invited me for*

an interview. Then, after they saw me and the beautiful color of my skin, they started to look at me in a strange way. They left me alone in the room, and after they returned they told me that they do not have any free vacancy. So I believed them. But after half hour another candidate got the job. I went back to the office and asked the woman why they did this? Her face got red and she was trying to make some kind of explanations, but I went to the employment office and made a report."

i) cultivation of religion

We approached to the field of religion using various questions; first we asked our respondents, whether in Slovenia exist proper possibilities for the cultivation of their religion, if they celebrate their religious feasts, and if they do, which one, also we were interested whether religion is a important element of their personal identity, and last but not least, how would they define the relationship between their religious community and the major religious community in Slovenia.

Except the representatives of the Bosnian and Roma community, and one representative of the Hungarian minority, all others interviewees said that they have appropriate conditions for the cultivation of their religion in Slovenia. The main reproof of the representatives of Muslim confession was directed towards the missing infrastructure for their religious ceremonies, a issue which gained large attention as well in the media in the last years.

Almost all of our interviewees stated, that religions is a important part of their personal identity, and surprisingly the religious holidays (for example Christmas) are celebrated also by those who declared themselves as atheists. All our respondents shared the opinion, that the relationship between their religious community (if different) with the major religion community in Slovenia are good.

j) personal identity

The last topic was the most sensitive; therefore we asked the questions about the personal identity of our interviewees at the very end of the interview. Here we asked two questions: first, if they are prepared to do any intervention into their identity to avoid difficulties, and second, how they feel or see themselves (for example as Slovenes, Serbs...). Most obviously here we have received the most heterogeneous answers of all sections, but also some common items could be identified. Almost all of our interviewees said, that they have developed some kind of "double identity", where they feel partly based on their ethnical heritage and partly the new adopted identity as Slovenes (at this point it as to be stressed that none of our interviewees was raised in their family in Slovenian language). But the ethnical identity is not the most important thing in life, as revealed by this answer: *"First I feel as a human being. Secondly I am a citizen of the Republic Slovenia, and thirdly I think that I belong to this country, even if I am Albanian nationality. For me it is important, that I am equally treated as all other citizens."*

Conclusions

- all representatives of the constitutionally not recognized ethnical minorities in Slovenia agreed, that discrimination on ethnical and religious basis does exist, and that occurs on various fields (in relation with work, procedures with state authorities, in the media...);
- regarding their personal sphere and family, it became visible that most of our interviewees pay large attention for the preservation and cultivation of their cultural identity: they have regular contacts with family members living abroad, they wish that their children could attend supplementary education in their mother language, etc.;
- speaking a different language can also be the cause for discrimination: our respondents exposed the double standard in Slovenia towards foreign languages (where western languages are preferred), and a special topic is the possibility of supplementary education in the mother tongue (costs, availability of teachers);
- the access to media in their mother tongue is very different for the particular ethnic minorities living in Slovenia; some (for example Croats, Serbs) have very good access to different media in their language, whereby others (members of Albanian minority) have almost no access to various media. Another critical fact is, that the Slovenian public radio television dose not provide any special emissions for these groups;
- the level of organization on ethnical basis of these minorities in Slovenia is sufficient, whereby the ties with the country of ethnical heritage are limited because of financial difficulties;
- the relationships between the minorities are predominantly good, although the burden of the past is still visible;
- the state institutions do not enjoy a high level of trust besides the interviewed representatives, the only positive exemption is the ombudsman. Procedures for the protection of rights violated by discrimination are also almost unknown;
- the members of ethnical minorities are in the words of our interviewees in the state institutions on all levels underrepresented;
- the main activity of associations on ethnical basis is in the field of culture, political desires are rarely expressed;
- in relation to work are victims of discrimination mostly those members of ethnical minorities, who work for low wages and where the educational level is also unpretentious;
- religion presents a important part of personal identity of our interviewees, whereby the infrastructure for religious ceremonies is not sufficient for all confessions in Slovenia;
- as it was visible through the answers of our interviewees, that their understanding of their personal identity is under the influence of (at least) two worlds, whereby the most common answer was, that belonging to a certain ethnicity is not the major source of their identity.

SECOND SEMINAR – CONSTITUTIONALLY RECOGNIZED MINORITIES (1ST AND 2ND OF JULY 2005, GRAND HOTEL ROĀARSKA, ROĀARSKA SLATINA)

The second seminar was intended for the constitutionally recognized (autochthon) minorities, which means for the representatives of associations of the Italian, Hungarian and the Roma ethnic minorities. The content of this seminar was similar as for the former one, therefore the main objective was to inform about the legal instruments for victims of discrimination, whereby other existing conditions of the particular ethnic minorities were also discussed. At the second seminar¹⁰ representatives of the invited minorities attended the interviews, 6 of them representatives of the Hungarian and 4 of the Roma community. Unfortunately not even one representative of the Italian minority attended the conference, although we received some promises for participation in advance. As a consequence, the presented findings are even more limited due to the missing representatives of one minority.

Because the questionnaire for this seminar had the same structure as for the unrecognized minorities, the findings are presented in the same order as above.

a) The concept of discrimination

That discrimination is not unknown to the representatives of these both groups became clear very soon. The often expressed feelings and experiences about discrimination on ethnic basis are probably best summed up in this answer we received from a representative of the Hungarian minority: *"A lot of things we often face in everyday life. Although the constitution guarantees us special rights, with that aim that we are equal citizens, in reality it is different. In particular I face this when I want to achieve my rights in my mother tongue, but his is not possible."* Another typical answer came from a representative of the Roma minority: *"...if we were not discriminated, than we would have equal opportunities in getting work, settling our housing or in education."*

In general most representatives of the Hungarian minority expressed their dissatisfaction with the use of their mother tongue at work and before state authorities, where the principle of the use of both languages should be the rule. Also the representatives of the Roma community had all some experiences as victims of discrimination, mostly in the form of verbal attacks, physical violence was not mentioned.

b) family life and private sphere

A similar situation as with the constitutionally unrecognized minorities could be detected within these two groups: both are getting married mostly with members from their own community, therefore the use of their mother tongue between the family members prevails, although Slovenian language is, especially

for the sake of the children, equally present. But as expected, the members of the Roma community face certainly more difficulties in cases of ethnically mixed marriages caused by ignorance of their culture. One of our interviewees said in this regard: *“At the beginning there were problems, but they later disappeared, because we were both strong enough. The problems were related to the ignorance of the different culture. Therefore also members of the Roma community opposed our relationship, and as well members of her community were against her decision because of different conception about Roma. But after we got to know each other better, these prejudice disappeared.”*

c) language skills

Different from the experiences of the constitutionally recognized minorities were the answers we received in this section; both the members of the Hungarian as well as the Roma community stated, that they were often victims of discrimination because of their language. Further another important distinction within this group was detected: while most of the members of the Hungarian community send their children to bilingual schools which exist in the area of Slovenia where they live, two out of four representatives of the Roma community stated, that they would not send their children to supplementary language schools (if they would exist); one said that this is not necessary, because they already speak at home in their mother tongue, while the other responded: *...“I think Roma language would not solve anything. I do not know what I would achieve with the knowledge of this language, but if they would be any benefits, why not. But I do not see any benefits for improvement because of knowing Roma language. I always had in my mind that it is necessary to civilize and already in the young age to step off from anything that I felt at that time, that my skin is darker, that people look at me in a strange way, that I am discriminated.”*

d) relations with media

Here is as well the situation quite different for the discussed groups. The representatives of the Hungarian minority were all satisfied with their status in this respect: they have access to daily newspaper, magazines and books in their language, and the public broadcast in Slovenia emits special contents for this minority.

Whereas the situation for the Roma community can be criticized for being the worst of all covered ethnic minorities: they do not have a own newspaper (with the exemption of the publication of the Roma Association), therefore they mostly read newspapers in Slovenian and Croatian language. They have no access to books in their language, and they can only watch TV emissions in their language via satellite. Anyway, there are exemptions of good (local) practices; one representative of the Roma community from Velenje exposed the case where the local TV station once a month broadcasts a TV program in Roma language.

e) organization on ethnic basis and relations with culture of heritage

The representatives of the Hungarian minority stated in this section, that the relationship between the authorities of Hungarian state and their associations are predominantly good, or in the words of our interviewee: "It should stay like it is. The relationships are good. So far, every foreign minister has visited us. We also receive financial support, there exist several funds. We get books and computers."

In a rather different situation is the Roma community; because there is no domestic state who would stand up for the rights of Roma, the contents of their associations in Slovenia are different than those in the other ethnic associations, so to speak they cover a broader range of activities and follow diverse goals: *"Our ethnical community is faced with huge problems, from the legalization of Roma settlements to infrastructure services...the biggest problems are the high rate of unemployment, housing and education."*

f) relations between minorities

The representatives of the Hungarian community did not mention any difficulties in this respect. The relationship should be good with the Slovenian majority, also good relations with the Roma community were stressed, and also we received an interesting statement from one of our interviewees with regard to the Italian minority: "The Italian community also enjoys constitutionally guaranteed rights, but it is difficult to get in touch with them. Several times we tried to organize work-meetings with them, but we just could not get together. They are just not susceptible; it seems to me that they are close-minded. We are open-minded. When the new law about the public radio-television was in preparation, I called in my position as the head of the program council for the Hungarian minority my colleague who is the head of the program council for the Italian minority, because we face the same difficulties concerning this law. But he was not susceptible; he said that the Slovenian Prime Minister Janša during a meeting in Koper already confirmed that they will meet in April. In a sense, that they do not have the need to link with us. At least this is my conclusion."

The representatives of the Roma associations stated that their relationships with the minority associations are correct, the best relations they have with Serbian associations.

g) relations to state institutions and experiences with proceedings before national authorities and international institutions

The state authorities who enjoy the highest trust besides the Hungarian minority are the ombudsman and the office for nationalities. In general members of the Hungarian minority rarely address cases of discrimination to state authorities, which is partly the consequence of low trust and partly of ignorance of the available proceedings.

The representatives of the Roma community expressed similar experiences:

also here the ombudsman was the most trustworthy institution, and none of our interviewees could recall any proceeding that their members started, caused by discrimination. Most contacts with state authorities they had in the past years when a large number of their community tried to solve their citizenship status.

h) employment and work

A huge difference between the discussed minorities was visible in this section. While the Hungarians did not mention any speciality in this view, are the later constantly faces with difficulties. A good impression of the nature of their problems is visible from this answer: (on the question: have you ever had any difficulties when applying for a job because of the fact, that you are not Slovene? *"It usually goes like this, that the employee finds an excuse not to hire you. But we Roma in Velenje have with our way of life achieved; that the majority somehow accepted us therefore the problems are not huge. But the problem remains, that there is not even enough work for the domestic population, not to speak about the Roma, who are less educated. In my case there was only mistrust and fear because of ignorance, other forms of discrimination I have not recognized. For example at the beginning, when I started to work in the coal mine, I heard my co-workers speaking: "Look at the Gypsy, watch out for your money!", or they made bets that I will not stay at work even for three day, they gave me the hardest and dirtiest work....but I managed everything and even helped the others. During the break other stayed longer than me. If it was necessary to work overtime, I was first. But now I have a responsible job and there are no problems."*

i) cultivation of religion

Our interviewees did not mention any special difficulties in this respect; for most of them religion is an important part of their identity, and the majority celebrate religious holiday, also atheists.

j) personal identity

Last but not least we asked our interviewees the same identity questions like at former seminar. In this group we discovered a higher willingness to adopt a new identity; we received a few exceptional answers, above all the readiness to change the personal name. Whereby for the members of the Hungarian minority it was more common to change their name and surname from a Slovenian to a Hungarian name, or reverse, for example from Štefan Kovač to Istvan Kovasz, one of our interviewees from the Roma community told us his own experience: *"I changed my surname already. My wife adopted another surname already years ago, just for getting a job easier (his wife is also a member of the Roma minority). At that time she was looking for a job in Novo mesto and these were times, when a Roma only rarely got a job if he had a typical surname. So my then girlfriend decided to change her surname, and with our marriage I took her surname."*

Conclusions

- the representatives of the constitutionally recognized minorities who responded to our invitation to the seminar, in general consider themselves less often victims of discrimination in relation to the constitutionally unrecognized minorities;
- also here it was visible, that in the field of family life and personal sphere the cultivation of cultural identity is an important value; most of our interviewees have ties with relatives in the country of their ethnical heritage, and also they sent their children to bilingual schools (members of the Hungarian minority), predominantly they speak in their own language at home. A rather different picture was in this regard revealed for the Roma community;
- difficulties caused by bad knowledge of Slovenian language are quite regular within the Roma community, whereas the members of the Hungarian minority exposed the abyss between their rights guaranteed by the constitution, and the actual praxis, with regard to the use of their native language;
- the accessibility of own media is for the Hungarian minority sufficient, whereas the situation for the Roma is in this regard probably the worst of all minorities in Slovenia;
- the relationship of the Hungarian state towards their minority in Slovenia is according to the words of the interviewed representatives good;
- the relationships between the discussed minorities could be estimated as good, with some reservations about the susceptibility of the Italian minority, as stated by the members of the Hungarian minority;
- no special difficulties with state authorities were expressed, in general they are not highly trusted, with the exemption of the ombudsman;
- with discrimination at work are most often confronted those members of the discussed communities, who work in low paid jobs with low required education;
- the cultivation of religion was less intense expressed by the representatives of this group than by the representatives of the constitutionally unrecognized minorities;
- the interviewees from this group, especially the Roma, demonstrated a higher preparedness to change their identity by changing their name, mostly for pragmatic reasons.

THIRD SEMINAR – JUDGES, PUBLIC PROSECUTORS AND ADVOCATES (20TH AND 21ST OF OCTOBER 2005, GRAND HOTEL ROĀARSKA, ROĀARSKA SLATINA)

The third seminar was prepared for selected representatives from various judicial institutions (judges, public prosecutors and advocates). The questionnaire for the interviews of the third seminar tried to capture the experiences and knowledge of the representatives with the Slovenian anti-discrimination legislation regarding the stipulations and anti-discrimination measures in international instruments.

Methodology

The data was gathered through structured interviews, carried out in a relaxed atmosphere. At the third seminar 7 judges, 4 public prosecutors, 1 state attorney and 3 attorneys at law took part in the interviews.

The structure of the interview involved 8 questions, asking the participants about their knowledge of implementation of international instruments against discrimination into Slovenian law (questions 1. and 2.), about their knowledge and experiences of the newly adopted Slovenian law on the realization of the principle of equal treatment (questions 3. and 4.), about their experiences in cases which dealt with aspects of discrimination or the direct use of international law (questions 5. and 6.), as well as their view of if and how discrimination on the basis of different religious belief or ethnical heritage influences the inner and international security of Slovenia.

With regard to the first two questions we can draw the conclusion, that almost all of the representatives agreed that the relevant Slovenian legislation covers aspects of anti-discrimination in a sufficient way, whereby the EU norms and standards and the relevant UN stipulations are implemented as well.

The newly adopted Slovenian law on the realization of the principle of equal treatment (ZUNEO) seemed to be too new to be better known by our interviewees, at least none of the representatives had any experiences with this law, and only one judge has had a case, where a non-governmental organization has taken part in the process. The guarantees of the ZUNEO act, concerning the rights of the discriminated persons to seek their protection in judicial or administrative proceedings, directs these persons in the opinion of the majority of our participants towards the principles stated in the Slovenian civil code (OZ) and the principles of the administrative procedural act (ZUP).

None of our participants had any personal experience with cases that dealt directly with aspects of discrimination, and only two of interviewed judges could remember cases, when they made use of international documents as a direct source of law in this particular case.

Nevertheless we can conclude, that the interviewees are quite aware of the

hazardous potentials of unsolved matters concerning discrimination: almost all represented the view, that aspects of discrimination are a problem for the Slovenian society, a problem which can cause (and from time to time causes) tensions within Slovenia and between Slovenia and especially their neighbors.

FOURTH SEMINAR – POLICEMEN, CUSTOMS OFFICERS, SLOVENIAN ARMY, FOREMEN IN PRISONS (17TH AND 18TH OF NOVEMBER 2005, GRAND HOTEL ROČARSKA, ROČARSKA SLATINA

The fourth seminar was prepared for various state officers. The questionnaire for the interviews of the fourth seminar tried to capture the experiences and knowledge of various state officers (policemen, customs officers, selected members of the Slovenian army units, foremen in prisons) with the Slovenian anti-discrimination legislation regarding the stipulations and anti-discrimination measures in international instruments.

Methodology

The data was gathered through structured interviews, carried out in a less formal atmosphere. At the fourth seminar our group of interviewees consisted of 2 customs officers, 4 foremen in prisons, 9 policemen and 4 members of the Slovenian army units. Unlike the questionnaires on the former seminars, we prepared 2 units of questions, one unit asking about their understanding and general aspects of discrimination in Slovenia (1.-3.) and about the influence of matters of discrimination on the security and good neighbor relations of Slovenia (4. - 5.), while the second unit of questions for the mentioned groups tried to catch their specific issues and experiences with aspects of discrimination.

- a) For the members of the Slovenian army units we prepared 6 questions, asking them about the presence and substance of educational programs about matters of discrimination in their units (questions 1., 2. and 3.), about special programs for foreign missions (4.), about ecclesiastic provision of soldiers of the Slovenian army forces (5.) and about whether the structure of the army forces mirrors the ethnical structure of the general Slovenian population.
- b) The representatives of the police were confronted with the similar questions about the educational programs and the presence of hand - books that deal with matters of discrimination, as well as their view concerning the ethnical structure of the Slovenian police.
- c) The foreman in prisons had been also asked about the presence and substance of educational training on matters of discrimination (1. and 2.) and about the ecclesiastic provision of prisoners.
- d) The questionnaire for customs officers included beside the questions on educational training on matters of discrimination (1. and 2.) also a

question about their treatment of passengers from former Yugoslavian republics (3.) and the ethnical structure of the customs departments in Slovenia.

The general findings from the interviews of the fourth seminar are:

All of our interviewees had an idea what discrimination is or what it means to them, though the details and exactitude varied. The vast majority thinks that there are some forms of discrimination in Slovenia, but, as before, there are different areas that are seen as critical (against foreigners in general, against people with darker skin-for example Roma, against homosexual people...), whereas the level of agreement was lower on the question whether there is discrimination in their profession; some answered that there are some forms of hidden discrimination, others mentioned discrimination against women, and third stated that there is no discrimination at all.

The level of agreement raised again on the next two questions, where the interviewees were in accordance that matters of discrimination can have a significant influence on the inner security (some explicitly pointed on the recent rages in France), as well on the good-neighbor relations.

The representatives of the Slovenian army units told in their interviews, that they do have special programs that deal with matters of discrimination; partly they also have hand-books where aspects of discrimination are covered. Additional attention is paid on matters of discrimination in the training programs for missions in foreign countries (Bosnia, Afghanistan). Ecclesiastic provision is offered to all soldiers of the Slovenian army, no matter of the religious belief of the soldiers. The last questions of the interview, asking about whether the structure of the army reflects the structure of the general population, seemed to be the most unsuitable; some even did not answer this question (because they had no idea about it), one answer pointed in the direction that people from economically devastated areas like the north-eastern parts of Slovenia are most attracted toward the army nowadays (being the same in the former Yugoslav army).

The representatives of the police formed the largest group willing to take part in the interviews (a substantive number of representatives from the army refused to do so), had a quite similar understanding of matters of discrimination: all agreed that there are some forms of discrimination in Slovenia, whereas there are substantial differences on the questions whether we can speak of this phenomenon in their profession. A high level of agreement was noticed on the questions if aspects of discrimination present a potential danger for inner and outer security. A somehow confusing set of answers we received on the question of the existence of special programs dealing with discrimination, because some said that such programs exist, while others never heard of them. The police do have some small hand-books that cover beside other issues aspects of discrimination as well, although it seemed that the substance of the hand-books is not well known among the officers. Strong disagreement could

be noticed on the last question, asking if the structure of the police mirrors the structure of the general population.

The foremen in prisons responded in a similar manner as the before mentioned groups; the highest disagreements between them were noticed on the question of presence of discrimination in their profession. Different from the groups above, only one of four respondents noticed special educational programs on matters of discrimination. Prisons in Slovenia do take care about ecclesiastic provisions for their prisoners, but obviously to a different extent.

The two customs officers that took part in our interviews shared mostly the views of the other groups; it is worth to mention that they had as well some specially designed educational programs on discrimination matters, and their ethical code has some provisions on discrimination too. Less critical were both on the praxis of discrimination in their profession, the probably rougher treatment of passengers of former Yugoslavia could also be explained with their experiences with these groups (more prone to smuggling). The structure of their office is to the words of our interviewees also a good reflection of the general population, so that all minorities all well represented in the customs office.

fifth seminar – public administration (15th and 16th of may 2006, grand hotel ROĀARSKA, ROĀARSKA SLATINA

For the fifth seminar we invited employees from different state agencies, in concrete representatives from ministries, administration offices, social work departments, social security institutions and employment centers. The employees of the public administration are also often faced in their everyday work with various traps of discrimination, therefore they can, equipped with a broader knowledge of this problems, in different ways contribute to a more efficient realization of the national and international anti-discrimination standards. The interviews attended 23 representatives: 5 representatives of employment centers, 5 representatives from social work departments, two representatives from different trade unions, 8 representatives from administration offices, precisely from the department for foreigners and three representatives from different ministries.

Like at the former seminars we followed here the same strategy and first asked our interviewees a few general questions about discrimination on ethnical and religious bases (questions 1-5), before we moved on to the more specific questions about their personal experiences related to their work (questions 6-9).

Like at the former seminars, we received some standard answers about what people consider as discrimination, and a high level of agreement was detected on the question, whether this kind of discrimination is a problem in Slovenia; most of our interviewees gave an affirmative answer. Especially two cases were in regard to this problem mentioned: the planned building of the mosque in

Ljubljana and the new law on religious communities.

Like at the former seminars, our respondents again agreed on the question, whether cases of discrimination threatens the stability of the Slovenian society.

The second part of the questionnaire covered the specific experiences:

a) the representatives of the employment centers are probably a group of employees, who witness different forms of indirect discrimination in their work on daily basis; and although we during the seminars recognized, that people seldom like to put themselves in the role of the main actor, one answer we received speaks for itself: (*“Do you meet aspects of discrimination related with your work?”*) *“..personally I can not really tell, but when I speak to co-workers, who actually meet with people, who are applying for work, than they witness this kind of hidden, indirect discrimination. Formally these people are given a chance, but in the end they obviously chose someone else, not a Roma or a foreigner.”*

In general our interviewees from this institution had quite similar experiences: at their work they often face conflicts (above all with Roma), the anti-discrimination legislation is not well-known, and so far they did not have any special education related to this issues, although three of them stated, that our seminar was very useful for them.

b) The employees of the department for social work are also a group who is constantly in touch with possible victims of discrimination. One of our interviewees was one of the few, who directly answered our questions in an irrepressible way: *“...I think there are many of such cases. Even if we do not recognize such things in our everyday life, because we are not paying attention... I think that we Slovenes are very discriminative. ..at my work there also such cases exist. Often I hear on the floors that those who are working with Roma have a lower status, even if I work with Roma and I do not have this impression. So I am already supposed to be lower on the social ladder, what to say about them? Once I had a Roma customer, who got a negative decision about social aid, and he said to me: You know what, if you were more capable, you would not have to work with Roma! But I do not take such things too personal...”*

c) The largest group of this seminar presented the employees of the department for foreigners from the municipal administration offices. Their experiences with victims of discrimination were as well about average, as their answers revealed. Broadly speaking was this group also more critical then others; one of our interviewees put the Slovenian internal problems with aspects of discrimination in a wider context: *“We are members of the European Union and the problems we have a public in front of a European audience. Because of these cases (for example the difficulties concerning the building of the mosque*

in Ljubljana) our members are looking on us down and criticize us. Sometimes I have the feeling, the Slovenia is because of this cases kin of on the sidetrack with respect to the era we live."

Similar as with the other groups, the knowledge of the anti-discrimination legislation, as well as the problems related to discrimination in general, was insufficient, therefore the majority stated, that such kind of education is very useful.

Two conclusions may be drawn from this fifth seminar:

- the personal experiences of the representatives of these groups confirm the presence of discrimination in Slovenia, especially in the field of work are the members of ethnic minorities in a worse position;
- the insufficient knowledge of anti-discrimination legislation and problems related to discrimination in general among groups of people, where this is not excusable.

SIXTH SEMINAR – TEACHERS (22ND AND 23RD OF JUNE 2006, GRAND HOTEL ROĀARSKA, ROĀARSKA SLATINA

The sixth seminar was designed for the representatives from the educational system, the system who besides the family is the most important sub-system for mediation of basic values, necessary for the development of democracy in a plural society.

The interviews were joined by 14 teachers who are teaching the subjects geography, history, Slovenian and foreign language, therefore subjects, which have in their curriculum a political note.¹ As usual we first asked our guests some general questions about discrimination (1-4), where it soon became clear, that they have a above average understanding of discrimination and that they are very sensitive for these phenomenon, therefore it was not surprising that they all confirmed the presence of discrimination in Slovenia. The sensibility that some teachers developed for the discussed aspects of discrimination to a large degree stem from their experiences: *"...I have experiences with the second generation of emigrants, because I work on such a school where I am confronted with huge differences between them. This started especially after the Balkan wars. Just for your understanding; I am already in this school for 11 years, and I did not really noticed any differences between children from Moslem or Orthodox families. But after the end of the Balkan wars everything changed, these things are now very visible. I do not think that the Slovenes makes differences between them, but they between themselves...you can recognize it,*

¹ Political with this meaning: what is the content of the subjects curriculum (for example which authors are predominantly discussed in literature classes: mostly (western) Europe authors, what about the literature from former Yugoslavia, etc.), what kind of values are mediated (primarily western - christian values, ore also values of other civilizations?).

for example they are saying: ...he is Moslem, ore...we are together...I even had a girl which told me that her mother forbid her to play with another girl, because she is Moslem; I asked her mother if this is true and she confirmed it."

Some other teachers from parts of Slovenia where Roma are settled even told us about their experiences that parents do not send their children to some schools because of the higher percentage of Roma pupils: *"I work in a elementary school, and every year when parents enroll their children, we loose three to five kids per year, because their parents clearly declare, that they do not want their children in our school because of the Roma pupils. And these are not ordinary people; these are highly educated parents from all five kids we lost this year. I have to add that we are really doing a lot in this regard; otherwise we would loose even more children. And of course the parents are aware of this...but on the other side I also met a couple of parents, who are brought their kid from other districts of the city in our school, just for the reason of the cultural mixed environment, that their kid can learn a lesson about accepting difference."*

Another huge problem for a lot of children with other ethnical background is their difficulties with the Slovenian language. One of our interviewees stated in this regard: "I work in a school, where are 97% of children with such a background, so their peculiarity are the problems with the Slovenian language, and as a consequence with their success in school in general. the problem is combined with the fact, that they originate from the lower social strata, and then this peculiarity, that they do not really master nor their mother tongue neither the Slovenian language."

The conclusions we can draw from this seminar are following:

- aspects of discrimination are present also in Slovenian schools, whereby on this field the discrimination is its extension multidimensional (above all social and ethnic)
- again was the need for systematical education about the discussed topic confirmed.

seventh seminar — religious communities (10th and 11th of October 2006, Hotel Habakuk, Maribor)

The last conference was prepared together with the office of the Slovenian ombudsman and the Institute for Human Rights Ludwig Boltzmann from Austria. Among several domestic experts the conference was also joined by experts from Denmark, Luxembourg, Germany, Poland, Northern Ireland and Sweden. The aim of the conference was to draw attention to the open questions for the religious communities as well as atheists in Slovenia.

During the preparation of this workshop we sent to all registered religious communities (42) in Slovenia a questionnaire, with the purpose to gather

some basic information from the members of those communities about their experiences with discrimination.

Unfortunately only 7 registered communities responded to our questionnaire, whereby the majority gave so short questions, that it is impossible to draw any conclusions.

Maybe the low response is explainable with the fact, that these questionnaires were addressed to institutions, whereas the former we addressed to individuals.

final CONCLUSIONS

The presented views and opinions of the interviewed participants of the seminars in a fruitfully way complete the everyday media coverage of the highly discussed topic of the last months. The interviews revealed, that discrimination on ethnic an religious basis is rather present in Slovenia, and at the same time is became clear, that this is a problem, related with the basic consent of forms of cohabitation in a ethnic mixed society, that obviously has its difficulties in accepting diversity in general.

At this point it is helpful to rely on the broader sociological context to explain the objected phenomenon. Although we are often confronted with overestimated evaluations of the notorious intolerance among Slovenes,² recent comparative sociological investigations reveal a different picture: data from 1999³ about ethnic and other intolerance from 14 European countries (Rus, 2006) confirm, that the Slovenian population is in their statements and views very close to the average of the chosen countries. A similar cluster as in the other countries of the research was also present in Slovenia: the citizens in these countries are much more tolerant towards groups with inborn or inherited characteristics (members of different races, Muslims, Roma and even homosexuals and people with aids), than those groups with acquired characteristics (alcoholics, drug addicts, sentenced to jail, political extremists). An above average intolerance came through in this research in Slovenia towards alcoholics (Slovenia: 69%, average: 57%) and towards homosexuals (Slovenia: 44%, average: 28%), and towards Roma, but it has to be added, that the intolerance towards the last two groups is in most post-socialist countries even higher.

The data from the research Slovenian Public Opinion from the years 1992, 1999 and 2005 reveal also some positive trends, in accordance to which the discrimination today is not only less present, but also more differentiated and directed towards groups, who acquired the own speciality with their own behavior. The statistic data from the covered period reveals following characteristics:

2 About the media coverage of these topics: Erjavec, Bašič-Hrvatina and Kelbl (2000), Makarovič and Rončević (2006).

3 In Slovenia the data was gathered in the research Slovenian Public Opinion - SJM 1999 (FDV, CJMMK).

- the tolerance towards ethnic, ethnic and political groups is higher among the young than among the old population
- the tolerance is higher among the more educated than among the less educated respondents
- the tolerance is higher among the upper classes than among the lower ones

Here the conclusion is justified, that these findings were also visible from the answers of our interviewees, especially those from the sixth seminar (teachers), who fully agreed that school and education are the best mechanisms for prevention of discrimination and prejudice.

The presented data also suggests, which the groups of population are where most training and education for combating discrimination has to be done in the years to come.

If the issue of discrimination in general is linked with acceptance of diversity on all areas of social life, than the key question is, how the Slovenian citizens (and their political elite) imagine their life and cohabitation in the future. Because one thing is sure: according to all demographic trends, it is reasonable to expect huge changes in the composition of the ethnic diversity of Slovenia's citizens. And if we have already now problems with accepting foreigners, who are culturally relatively close to the Slovenian culture (the majority of Non - Slovenes has its roots in former Yugoslavia), how will it be, when foreigners from totally different cultures (Africa, Asia) will start to settle in Slovenia in a larger number? The near future will already show, if the ethnic approach towards which is favorable for towards cultural diversity and prone to multiculturalism acceptable for Slovenia. The politics of multiculturalism is of course very demanding: in the field of education this for example requires to adopt the diary, religious education, clothing rules and above all the various believes and virtues must be included in the educational system (Haralambos, Holborn, 1999:728).

But the answers of our interviewees offered a lot of interesting ideas and suggestions how to make first steps in this direction: if we first look at the constitutionally unrecognized minorities, we can read that our respondents repeated those topics, which are more or less open questions since the independence of Slovenia. Because the position of the constitutionally unrecognized minorities was in the past already subject of detailed research (Klopčič, Komac, Kržišnik-Bukić, 2003, and Komac, Medvešek, 2005), only the most urgent problems shall be stated at this point: it is a fact, that the members of these ethnic groups are worse off compared with Slovenes and members of the Italian and Hungarian minority, what was also established in the report of the European commission for combat of racism and intolerance in the year 2002. Because for all the minorities and their associations the expression and cultivation of their culture is of primary importance, it would be in this respect justified to equalize all existing minorities and respectively improve their possibilities for the performance of these activities. Because

the numbers are in this regard inexorable: in the year 2005 the Ministry of culture in their yearly public call for ethnic associations assigned following grants for the realization of cultural projects: the Italian ethnic minority received 47 millions Slovenian tolar (in the last census the minority counted 2258 members), the Hungarian 77 millions (6243 members), the Roma community 14 millions (3246 members), and all the other minorities together 20 millions (6186 Albanians, 21542 Bosnians, 2667 Montenegrins, 35642 Croats, 3972 Macedonians, 10467 Muslims, 38964 Serbs and 48588 who did not want to declare themselves).

The other group of minorities in Slovenia, who enjoy a special status guaranteed by the constitution, faces different problems than the former one. Paradoxically, in the same article of the constitution are associated such groups, whose actual position, despite the various legal provisions, is not comparable. If the estimation is justified that the Hungarian and the Italian minority are in most important minority aspects (use of language, own media programs, grants for cultural activities) better off than the constitutionally unrecognized minorities, the situations of the Roma is rather reverse. The statements of our interviewees only confirm this estimation. After all we have heard, are the members of the Roma minority in the worst position of all; whether in their employment opportunities, when performing work, the situation for education of their children, and the most palpability data of their misery situation is the fact, that their life expectancy is in average two decades lower than for the majority. Speaking sociologically we would say, that Roma present the underclass in Slovenia. At this point we have to bring up the question why the situation of the Roma is that bad, compared to the other constitutionally recognized minorities?

Without the ambition to offer a comprehensive analysis of this issue which would by far exceed the purpose of this presentation, some conclusions are obvious: Roma are in some aspects different from the other minorities. Even if it is unjustified to speak of Roma as a homogeneous minority, because it is a dispersed minority in Slovenia, where the largest settlements are in the region of Prekmurje and Dolenjska, in cities we mostly find them in Ljubljana and Maribor, and the last are mainly immigrants from former Yugoslavia who came to Slovenia in the last three decades. But certainly their way of cohabitation in closed ethnic settling contributes to the fact, that the Roma are the least integrated minority in Slovenia. The answers and examples of our interviewees confirm this assumption: whereas all the other minorities in Slovenia (with some reservations about the Albanian, less the Muslim minority) are quite integrated, if not even assimilated (those were the opinions of representatives of the Croat minority), the Roma still live in their settlements more or less on their own. This does not mean that because of this the relations with the majority can not be good, as for example the village Püšča in Prekmurje shows.

At the very end we can conclude, that the combat against discrimination is a

never ending story, it is just a path towards a never achieved end, but this path is urgent and necessary for the building of the "Slovenian home" (Devetak, 2006:12), where all citizens will feel safe and find a opportunity, that they secure with their work a brighter future for themselves and their families.

ABOUT ISCOMET – PROJECT COORDINATOR

The holder and coordinator of the project is ISCOMET - Institute for Ethnic and Regional Studies from Maribor, Slovenia. The main areas of activity and expert interest of ISCOMET Institute are the following fields:

- political, institutional, ethnic, cultural and language views of European integration, also within the context of EU expansion,
- collective foreign and safety policy of the EU and its execution in South Eastern Europe and Transcaucasia,
- the role of religious communities in the processes of reconciliation and development of democracy, and cooperation among nations in South Eastern Europe,
- international cooperation between EU countries and on present and future external borders of EU,
- regionalism in the framework of European integration processes with emphasis on regional cooperation of Slovenia with neighbouring countries,
- nationalism, racism, xenophobia,
- discrimination based on ethnicity and religion, human rights and protection of minorities and other vulnerable social groups,
- protection and preservation of cultural heritage of ethnic and religious communities,
- prevention and peaceful resolution of ethnic in religious conflicts and settling of relations in post-conflict situations,
- status and rights problems of migrants and asylum-seekers and their integration,
- status of an individual in international law.

ISCOMET Institute also presents a legal and organisational-administrative framework for the operation of the international non-governmental organisation named ISCOMET - International Scientific Conference Minorities for Europe of Tomorrow (ISCOMET - INGO), which is one of the forms of operation of the Institute. The roots of ISCOMET - INGO go back to year 1989, when a group of Slovenian experts, supported by the Council of Europe, summoned a founding conference on which they accepted its first statute and programme of activities.

Since 1992, ISCOMET - INGO has had a consultative status within the Council

of Europe. In 1998, it became one of the 35 non-governmental organisations that have a right to lodge collective complaints in cases of disregard of the European Social Charter. Today, ISCOMET - INGO is a widespread international organisation that connects 250 individual and collective members, among whom are eminent experts, professors, activists and officials, who come from all European and other countries. What unites them is their devotion to preserve peace, democratic development, human dignity and friendly cooperation between nations, countries and regions of Europe.

ISCOMET Institute coordinates and executes different international projects, organizes international scientific and expert meetings, stimulates exchange of information, knowledge and experiences, develops research work and cooperates with those governmental and non-governmental organizations which have similar objectives.

ISOMET - INGO pays particular attention to organisation of numerous international expert gatherings such as scientific conferences, meetings, round tables, seminars, etc. By 2005, it has organised 20 all-European international conferences, which dealt with general, current socio-cultural changes in Europe. One of the most successful were conferences in Maribor (1992 and 1995), Brno (1993), Odessa (1997), Timișoara (2001), Copenhagen (1994 and 1998) and Saint Petersburg (2003).

In the late 1990s, we established the ISCOMET Network for Democracy, Human Rights, Protection of Minorities, Cooperation and Development in South Eastern Europe. Members of the ISCOMET Network have paid particular attention to stimulating the church and religious communities in South Eastern Europe to contribute to reconciliation, democracy, respect of human rights and rights of minorities, cooperation and development. These are the objectives of an international project called "*Mariborska pobuda*" (Maribor Initiative). Within the project, ISCOMET has summoned successful conferences in Belgrade, Timișoara, Maribor and Chisinau. In 2005, the president of ISCOMET Prof. Dr. Silvo Devetak was invited to give a report on the results of the project during the Council of Europe's Study Days in Strasbourg.

ISCOMET Institute also develops publishing activities. It has published numerous scientific publications (*Pravica do različnosti*/The Right to Be Different, 1999; *Položaj posameznika v mednarodnem pravu*/The Position of an Individual in International Law; 2003, etc) and miscellanies (Small Nations and Ethnic Minorities in Emerging Europe, 1992; *Ohraniti sanje*/To Preserve the Dreams, 1997; Legal Position of Churches and Religious Communities in South-Eastern Europe, 2004; Religion and Democracy in Moldova - in English and Romanian language, 2005, etc.). Since 1995, ISCOMET has been a co-editor and publisher of "Regional Contact" magazine, which is intended for exchange of experiences and ideas in the areas of regionalism, international cooperation, preservation of cultural heritage of regions and ethnic communities, and protection of minorities in Europe.

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selection of useful information AND INTERNET LINKS

1. REPUBLIC OF SLOVENIA

1.1 state INSTITUTIONS

Urad vlade RS za enake možnosti
Zagovornica načela enakosti /
Government of the Republic of Slovenia
Office for Equal Opportunities, Advocate
for Equal Opportunities for Women and
Men and Advocate of the Principle of
Equality

Tržaška 19a

1000 Ljubljana

Phone: +386 (0)1 478 84 60

Fax: +386 (0)1 478 84 71

E-mail: uem@gov.si

<http://www.uem-rs.si/>

Urad Varuha človekovih pravic /
Human Rights Ombudsman

Dunajska cesta 56, 1109 Ljubljana

Phone: +386 (0)1 475 00 50

Fax: +386 (0)1 475 00 40

E-mail: info@varuh-rs.si

<http://www.varuh-rs.si/>

Ustavno sodišče /

Constitutional Court of the Republic of
Slovenia

Beethovnova ulica 10

p. p. 1713

1000 Ljubljana

Phone: +386 (0)1 477 64 00

Fax: +386 (0)1 251 04 51

E-mail: info@us-rs.si

<http://www.us-rs.si/>

Državni zbor RS

Komisija za peticije ter za človekove
pravice in enake možnosti

Šubičeva 4

1000 Ljubljana

Phone: +386 (0)1 478 94 00

Fax: +386 (0)1 478 98 45

<http://www.dz-rs.si/>

Ministrstvo za pravosodje /
Ministry of Justice

Župančičeva 3

1000 Ljubljana

Phone: +386 (0)1 369 52 00

Fax: +386 (0)1 369 57 83

E-mail: gp.mp@gov.si

<http://www.mp.gov.si/>

Urad vlade RS za narodnosti /
Government of the Republic of Slovenia
Office for National Minorities

Tržaška cesta 21

1000 Ljubljana

Phone: +386 (0)1 478 89 50

Fax: +386 (0)1 478 89 51

E-mail: gp.un@gov.si

<http://www.uvn.gov.si/>

Urad vlade RS za verske skupnosti /
Government of the Republic of Slovenia
Office for Religious Communities

Erjavčeva cesta 15
1000 Ljubljana
Phone: +386 (0)1 478 25 25
Fax: +386 (0)1 478 25 26
E-mail: gp.uvs@gov.si
<http://www.uvs.gov.si/>

**Vrhovno državno tožilstvo /
Supreme State Prosecution of the
Republic of Slovenia**
Dunajska 22
1000 Ljubljana
Phone: +386 (0)1/434 1935
Fax: +386 (0)1/434 1945
<http://www.dt-rs.si>

**Ministrstvo za notranje zadeve /
Ministry of Interior**
Štefanova 2
1501 Ljubljana
<http://www.mnz.gov.si>

**Policija /
Police**
<http://www.policija.si>

1.2 INSPECTORATES

**Inšpektorat RS za delo /
Slovenian Labour Inspectorate**
Parmova 33
1000 Ljubljana
Phone: +386 (0)1 286 36 60, +386 (0)1 280
36 70
Fax: +386 (0)1 280 36 77, +386 (0)1 280 36
76
E-mail: irsd@gov.si
<http://www.id.gov.si/>

**Zdravstveni inšpektorat RS /
Health Inspectorate of the Republic of
Slovenia**
Parmova 33
1000 Ljubljana

Phone: +386 (0)1 280 38 02
Fax: +386 (0)1 280 38 08
E-mail: gp.zirs@gov.si
<http://www.mz.gov.si/index.php?id=4851>

**Inšpektorat za šolstvo in šport /
Inspectorate for Education and Sport**
Dunajska 22
1000 Ljubljana
Phone: +386 (0)1 474 48 45,
Fax: +386 (0)1 474 48 58
E-mail: inspektorat-solstvo.mszs@gov.si

**Tržni inšpektorat RS /
Marcet Inspectorate of the Republic of
Slovenia**
Parmova 33
1000 Ljubljana
Phone: +386 (0)1 280 87 00
Fax: +386 (0)1 280 87 40
E-mail: tirs.info@gov.si
<http://www.tirs.si/>

**Inšpektorat RS za notranje zadeve /
The Internal Affairs Inspectorate of the
Republic of Slovenia**
Kersnikova 2
1501 Ljubljana
Phone: +386 (0)1 473 65 10
Fax: +386 (0)1 473 66 20
E-mail: inz.mnz@gov.si
<http://www.inz.gov.si/>

**Inšpektorat RS za kulturo in medije /
Inspectorate of Republic of Slovenia for
Culture and Madia**
Metelkova 4
1000 Ljubljana
Phone: +386 (0)1 478 79 01
Fax: +386 (0)1 478 79 81
E-mail: aleksander.vidmar@gov.si

**Upravna inšpekcija /
Administrative Inspection**
Tržaška 21
1000 Ljubljana
Phone: +386 (0)1 478 86 00
Fax: +386 (0)1 478 86 49
E-mail: upravna.inspekcija@gov.si

1.3 INSTITUTION/PERSON FOR FIRST LEGAL ADVICE

**PIC - PRAVNOINFORMACIJSKI CENTER
NEVLADNIH ORGANIZACIJ /
PIC LEGAL-INFORMATION CENTRE FOR NGOS**
Povšetova 37, 1000 Ljubljana
Phone: +386 (0)1 521 188 88
Fax: +386 (0)1 540 19 13
E-mail: pic@pic.si
<http://www.pic.si/>

**ZAVOD PIP - ŠTUDENSKI PRAVNI IN
INFORMACIJSKI CENTER ŠOUM /
INSTITUTION PIP**
Gospodsvetska 83/86
2000 Maribor
Phone: +386 (0)2 234 21 46
E-mail: pip@zavodpip.si
<http://www.zavodpip.si/>

Register oseb za dajanje brezplačne pravne
pomoči / Register of person for legal help
free of charge
[http://www.mp.gov.si/index.
php?id=2308](http://www.mp.gov.si/index.php?id=2308)

2. UNITED NATIONS

**Urad Visokega komisarja Združenih
narodov za človekove pravice /
Office of the United Nations High
Commissioner for Human Rights**
UNOG-OHCHR
1211 Geneva 10

Switzerland
<http://www.ohchr.org/english/>

**Petitions Team
Office of the High Commissioner for
Human Rights**
United Nations Office at Geneva
1211 Geneva 10, Switzerland
Fax: + 41 22 9179022
E-mail: tb-petitions@ohchr.org

Committee on the Elimination of
Discrimination against Women
c/o Division for the Advancement of
Women, Department of Economic and
Social Affairs
United Nations Secretariat
2 United Nations Plaza
DC-2/12th Floor
New York, NY 10017
United States of America
Fax: + 1-212-963-3463

Informacije o postopku z individualnimi
sporočili /
Complaint procedure
[http://www.ohchr.org/english/bodies/
complaints.htm](http://www.ohchr.org/english/bodies/complaints.htm)

**Vzorci sporočil /
Model questionnaires for complaints**
[http://www.ohchr.org/english/bodies/
question.htm](http://www.ohchr.org/english/bodies/question.htm)

3. COUNCIL OF EUROPE

Evropsko sodišče za človekove pravice /
European Court of Human Rights
Council of Europe
67075 Strasbourg-Cedex
France
Phone: +33 (0)3 88 41 20 18
Fax: +33 (0)3 88 41 27 30

<http://www.echr.coe.int/ECHR>
Informacije v zvezi s pritožbo na ESČP /
Information regarding procedures on
ECHR

<http://www.echr.coe.int/ECHR/EN/Header/Applicants/Information+for+applicants/Frequently+asked+questions>

Informacije o pritožbi /
Notes for the guidance of persons wishing
to apply to the European Court of Human
Rights

<http://www.echr.coe.int/ECHR/EN/Header/Applicants/Information+for+applicants/Notes+for+the+guidance+of+persons+wishing+to+apply+to+the+ECHR>

Evropska socialna listina /
European Social Charter
http://www.coe.int/T/E/Human_Rights/ESC

Seznam organizacij, upravičenih za
vlaganje kolektivnih pritožb /
Organisations entitled to lodge complaints
with the committee

http://www.coe.int/t/e/human_rights/esc/4_collective_complaints/

4. EUROPEAN UNION

Spletna stran Evropske komisije o
prepovedi diskriminacije /

European Commission web-page on anti-
discrimination

http://ec.europa.eu/employment_social/fundamental_rights/org/contact_en.htm

Predstavništvo Evropske komisije v
Sloveniji /

Representative of European commission
to Slovenia

Breg 14
1000 Ljubljana
Phone: +386 (0)1 252 88 00
Fax: +386 (0)1 452 20 85
E-mail: comm-rep-lju@ec.europa.eu

Evropski parlament /
European Parliament
<http://www.europarl.europa.eu/parliament/public/staticDisplay.do?language=SL&id=49>

5. NON-GOVERNMENTAL ORGANISATIONS

AMNESTY INTERNATIONAL SLOVENIJE

Beethovnova 7
1000 Ljubljana
Phone: +386 (0)1 426 93 77
Fax: +386 (0)1 426 93 65
E-mail: amnesty@amnesty.si
<http://www.amnesty.si/>

FUNDACIJA GEA 2000 **GEA FUNDATION 2000**

Mestni trg 9
1000 Ljubljana
Phone: +386 (0)1 241 05 40, +386 (0)1 421 35 60
Fax: +386 (0)1 421 35 65
E-mail: fundacija@fundacija-gea2000.si
<http://www.fundacija-gea2000.si/>

SLOVENSKA FILANTROPIJA / **SLOVENIAN PHILANTHROPY**

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Majda Potrata,
MA (right),
Chair of the
National
Assembly
Commission
for Petitions,
Human Rights
and Equal
Opportunities,
presents the
work of the
Commission



Ivana Lipovec,
Ministry of
Justice, Semi-
nar for public
administra-
tion, Rogaška
Slatina, 15 - 16
May 2006



Prof.Dr.
Silvo Devetak
(ISCOMET,
Maribor) and
Boštjan Vernik
(Office of
Human Rights
Ombuds-
man), Seminar
for public
administra-
tion, Rogaška
Slatina, 15 - 16
May 2006





Branko Novak, Police Academy and Vlasta Nussdorfer, Supreme State Prosecution of the Republic of Slovenia, Concluding conference, Ljubljana, 12 February 2007



Dr. Drago Čepar presenting the achievements of the Office for Religious Communities at Concluding conference, Ljubljana, 12 February 2007



Prof. Silvo Devetak (ISCOMET, Maribor), Jasmina Klotčnik (ISCOMET, Maribor), Prof. Jan Berting (University of Rotterdam) and Adebiola Bayer (ZARA, Vienna) (from left to the right)

