COMMENTS ON THE FOLLOW-UP REPORT ON SLOVENIA (2003-2005) BY THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS

1. Minority protection:

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The Ministry of the Interior is drafting a constitutional law regulating outstanding issues in the area of persons erased from the register of permanent residents.

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Three communities, i.e. the Italian and Hungarian national communities and the Roma ethnic community, are traditionally and historically settled in the Republic of Slovenia. The status and special rights of the Italian and Hungarian national communities in Slovenia are thus defined in Article 64 of the Constitution of the Republic of Slovenia, and of the Roma ethnic community in Article 65. A number of sector-specific instruments regulate their status in more detail.

The Republic of Slovenia is signatory to two major international Council of Europe conventions: the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. With regard to the fact that the Convention does not provide a definition of the notion "national minority" and leaves it to the parties to define the ethnic groups which they consider to be national minorities under this Convention, the Republic of Slovenia, on the occasion of the ratification of the Framework Convention, thus declared in writing, in compliance with its Constitution and internal legislation, such groups to be the autochthonous Italian and Hungarian national communities in the Republic of Slovenia. Unless it is contrary to the Constitution and other laws of the Republic of Slovenia (contrary to its legislation), the provisions of this Convention also apply to the members of the Roma community residing in Slovenia traditionally or historically. This is incorporated in the legal order of the Republic of Slovenia and it is not possible to envisage any other approach since the framework is laid down by the Constitution of the Republic of Slovenia.

The Republic of Slovenia endeavours to consistently and effectively fulfil the provisions of both conventions; at the same time, it must be underlined that Slovenia has also devoted its attention to other ethnic groups and immigrants living in Slovenia (e.g. members of nations of the former Yugoslavia living in Slovenia and Roma immigrants). For other ethnic groups and immigrants residing in the Republic of Slovenia, provisions of Articles 61 and 62 of the Constitution – which ensure cultural and language development – apply and are fully implemented.

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"Autochthonism" is a notion used by Slovenia's legal code; it exists and is utilised. In Slovenia's Constitution, the notion of autochthonism is mentioned in Articles 5 and 64, however it is not fully defined. It must be underlined that this notion is not defined in international legal code either. The autochthonism or historical settlement of a community may be talked about only in cases where the community has been present in an area for at least two generations. In the case of the Italian and Hungarian national communities, we may talk about an exactly defined ethnically mixed territory, where members of both national communities have lived for centuries and are only separated from their country of origin by a national border. They have historically lived in this area but have ended up within the borders of another country owing to historical and political developments.

The situation of the Roma ethnic community is different, as it does not have the status of a national minority in the Republic of Slovenia. It is an ethnic community or minority, which has specific ethnic characteristics (language, culture and other ethnic features).

The legal basis for the regulation of the status of the autochthonous Roma ethnic community in the Republic of Slovenia is provided for by Article 65 of Slovenia’s Constitution, which stipulates as follows: “The status and special rights of the Roma community living in Slovenia shall be regulated by law.” Article 65 of the Constitution is still being implemented through sector-specific legislation, and thus by eleven (11) sector-specific acts. The above constitutional basis relates only to members of the traditional Roma ethnic community (the expression European minority is gaining ground) living in the territory of Slovenia for centuries. The Act Amending the Local Government Act also defines the territory where Roma in Slovenia reside historically and traditionally, that is autochthonously, and it is only in these areas determined by the borders of the relevant municipalities that Roma enjoy special rights (special facilities and privileges) ensured to them by the legislator through individual laws. Article 101a of the Local Government Act explicitly lists the areas of the following municipalities: "The municipalities of Beltinci, Cankova, Črešnovci, Črnomelj, Dobrovnik, Grosuplje, Kočevje, Krško, Kuzma, Lendava, Metlika, Murska Sobota, Novo Mesto, Puconci, Rogašovci, Semič, Šentjernej, Tišina, Trebnje and Turnišče."

It is evident from the above that Roma in the Republic of Slovenia residing outside of the enumerated 20 municipalities do not enjoy special rights; however, they have equal rights and obligations to any other citizen of the Republic of Slovenia, provided that they have this status (e.g. relatively high social welfare benefits), otherwise, they enjoy the rights to which they are entitled as aliens in compliance with international regulations and internal legislation.

The application and implementation of the notion of autochthonism has no discriminatory effect in practice, as some additional benefits secured for the historically settled Roma indicate the so-called positive discrimination, which essentially constitutes a deviation from the constitutional (Article 14 of Slovenia’s Constitution) and civilisation principle of equality before the law.

As regards the ensuring of all-round cultural and linguistic development of other ethnic groups and immigrants including Roma not residing in the Republic of Slovenia traditionally or historically, we would like to emphasize that they enjoy equal rights to other citizens and are in addition subject to special measures and assistance in the fields of culture.

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1 Act Amending the Local Government Act (Ur. l. RS, No. 51/02).
and education aimed at their all-round cultural and linguistic development. All provisions of national acts (including Articles 61 and 62 of the Constitution) apply to such persons, except for some regulations (eleven) defining special rights of Roma historically and traditionally residing in the territory of the twenty municipalities determined by law. In this context, within the competence of the relevant national authorities (e.g. the Ministry of Culture, the Ministry of Labour, Family and Social Affairs), the distinction between the two traditional national minorities in the Republic of Slovenia and the historically settled Roma ethnic community as well as other ethnic groups and immigrants, thus also the non-traditionally settled (immigrant) Roma, is not very pronounced.

The **Ministry of Culture of the Republic of Slovenia** thus implements a number of measures for immigrant Roma (regardless of their place of residence!) (e.g. the financing of various cultural projects, even a scholarship awarded to the Roma musician Brizani, who now runs music workshops and has supported Roma cultural animators for several years). The **same is true of social welfare benefits** – anyone with permanent residence in the Republic of Slovenia is entitled to them – and the co-financing of preventive development programmes in the fields of social affairs and family policy as well as various forms of employment and training programmes.

Thus, the Ministry of Culture of the Republic of Slovenia established in 1992 a programme of support for culturally diverse projects of very different ethnic groups and immigrants. This also includes a number of societies and associations of members of the nations of the former Yugoslavia. Thus, a dialogue is being held with all minority groups for a number of years and measures are being upgraded and supplemented in compliance with the needs thus established. The wealth of projects in different languages, financed so far by the Ministry of Culture of the Republic of Slovenia, may be accessed and viewed in INDOC and also via COBISS. In 2005, the realistic possibilities for cultural diversity have relevantly increased as the Government increased the funds for cultural programmes of different minority groups by 100 per cent and the number of proposed and endorsed projects has thus relevantly increased.

### 2. Situation of Roma

#### 2.1 Education:

*Ad 19*

Classification of children into groups regarding the level of knowledge achieved is no exceptional solution restricted to the case of the Bršljin elementary school, but is included in the act adopted in 1996, which is of general nature (it therefore applies to all). It is important that the solution (of the formation of special groups regarding the level of knowledge achieved) is not permanent, but temporary, (perhaps lasting only a few weeks or months) – depending on the progress of pupils. During this time, pupils are offered additional assistance. The permanent character of classification into groups regarding the level of knowledge achieved is permitted under the law only in the third cycle of elementary school.

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Some experts formed their protest before the publication of an official model for dealing with the situation. The protest showed particularly the concern that this was about the formation of permanent groups, which would mean a violation of existing legislation.
In December 2002, the competent ministry set up a special **working group** tasked with **drawing up a strategy for ensuring the participation of Roma in education**. The working group consisted of experts in areas ranging from pre-school to adult education and representatives of the Ministry of Education and Sport, the Union of Roma of Slovenia and the National Education Institute. The working group drew up a strategic document entitled "Strategy for Education of Roma in the Republic of Slovenia," which was adopted by the competent expert councils in May/June 2004. The document provides the basis for further measures in the education of Roma, while also containing an analysis of the situation to date and the Ministry's measures, a review of key unresolved issues and proposals for their settlement (e.g. inclusion of Roma children in pre-school institutions, removal of prejudices, permanent professional teacher training, etc.). The document also covers education of Roma from pre-school to adult education.

**The Union of Roma of Slovenia was involved throughout the formulation of this strategic document, and will also be engaged in its implementation.**

**The Ministry of Education and Sport of the Republic of Slovenia will work together with other relevant ministries** in settling issues surpassing the problem of education but nevertheless influencing schooling.

In concrete activities, the Ministry will also establish links with **other institutions** (National Education Institute of the Republic of Slovenia, Centre of the Republic of Slovenia for Vocational Education and Training, Slovenian Institute for Adult Education, Institute of Public Health, Health Protection Institute of the Republic of Slovenia, Employment Service of Slovenia, Chamber of Commerce and Industry of Slovenia, Chamber of Crafts of Slovenia, etc.).

The Ministry will also continue to provide support for research and development projects promoting measures in compliance with this strategy.

**Since May 2005, the working group for strategy implementation is headed by the President of the Union of Roma of Slovenia.** Its major task is to draft an action plan for strategy implementation. The action plan was adopted at a meeting of the working group on 26 August 2005, which operationalised strategy objectives.

**It has to be underlined that certain objectives are of long-term character; therefore, the document provides for the drafting of action plans covering individual areas.**

**Ad 24 and 25**

In the past, the **Bršljin elementary school** attempted to improve the efficiency of integration of Roma pupils by **establishing special classes** and later by **means of various other methods of work based particularly on lowering the minimum standards of achievement and these were not adapted sufficiently for work with Roma pupils. Thus, Roma pupils were leaving elementary school with only a few classes completed. Even those who successfully finished elementary school could not continue their education, as they did not meet the minimum standards of achievement.**
The objective of the implementation model introduced in the Bršljin elementary school in the 2004/2005 school year is a successful integration of all pupils in the education system. To facilitate the implementation of the model, the Ministry and the local community provided the school with additional professional staff, a Roma assistant and additional material resources. The proposed model thus requires the fulfilment of conditions for successful appropriation of standards of knowledge by all pupils (sufficient command of the Slovenian language to keep up in lessons, specific methods of work, etc.).

The proposed implementation model shall be carried out at the school as an experiment, which means that the National Education Institute will for three years regularly follow and evaluate the implementation of the organisational and didactic model. The reports forwarded to the Ministry of Education and Sport show that several teacher training courses were organised and that the model is implemented under the auspices of the project group including representatives of parents of Roma and non-Roma pupils. In addition to the above evaluation, the Ministry also provided funds for its implementation, which was carried out by the Union of Roma independently of the National Education Institute and in cooperation with the Faculty of Social Work.

It must also be underlined that during the commissioner’s visit, the working group for the preparation of the action plan had only just been established. In 2005, the group headed by the President of the Union of Roma of Slovenia, with support by the Ministry of Education and Sport, organised a number of camps and seminars (also an international one) and drafted a syllabus for a course in Roma culture.

Specific features of the proposed model:

At the beginning of each year, the pupils' level of knowledge is assessed and they are also provided with the opportunity of learning in special groups by attending additional classes in the Slovenian language or additional classes in subjects where their knowledge is the weakest. When a pupil achieves the minimum standards of knowledge, he/she is reintegrated into the class teaching the subject where he/she encountered problems (and was therefore for some time integrated into a special group...).

The proposed model:
- Is temporary;
- Will be constantly monitored and evaluated. A project group was established, including representatives of parents of Roma and non-Roma children, teachers, school management and representatives of the local community;
- The group is based on maintaining the classes and forming teaching groups as well as guaranteeing flexible organisation of classes.

The proposed model takes into account the experience of a successful integration of Roma pupils in the Prekmurje region. Similar forms of curriculum implementation have already been tested in the Prekmurje region, and the Government has recommended them as adequate in the Programme of Measures for Assisting Roma in the Republic of Slovenia, adopted in 1995.

It should be underlined that until 2003, Roma pupils in the Dolenjska region mostly attended so-called special classes. Only in the 2003/2004 school year was this form of integration of Roma pupils banned. Therefore, Roma parents were justified in their concerns that the new
organisational form implied a reintroduction of special classes for their children. In April 2005, the minister personally presented to them the above model and Roma parents agreed with it.

According to the latest data, the situation at the above school has improved, as the school records more regular attendance of Roma children and more intensive cooperation with their parents.

2.2 Employment and housing

An Action Programme for employment of Roma 2003-2006 including measures listed in this paragraph was adopted. The Ministry for Labour, Family and Social Affairs also launched the national public works programme for Roma entitled "Socialisation and Integration of Roma into the Local Community", the contracting authority of which is the Employment Service of Slovenia, and provider the social work centres of Krško, Brežice, Metlika, Trebnje, Grosuplje, Ribnica and Kočevje.

In 2005, 36 different public works programmes intended for Roma were underway in the Republic of Slovenia. The programmes included 111 unemployed persons, 77 of whom were Roma or 69 per cent of all persons included. The Ministry of Labour, Family and Social Affairs (MDDSZ) earmarked SIT 95,202,082.15 for co-financing the public works programmes.

In 2005, the Ministry of Labour, Family and Social Affairs also launched the national public works programme for Roma entitled "Socialisation and Integration of Roma into the Local Community", which included 7 unemployed participants. The Ministry of Labour, Family and Social Affairs allocated funds amounting to SIT 11,194,482.00 for the implementation of this programme.

In 2005, 35 local public works programmes were carried out in branch offices of the Novo mesto, Sevnica, Maribor, and Murska Sobota employment services, which involved 104 unemployed persons, 77 of whom were Roma. The Ministry also allocated funds amounting to SIT 84,007,600.15 for the implementation of local public works programmes.

The Ministry of Labour, Family and Social Affairs allocated funds within the EQUAL Community Initiative Programme in Slovenia for two development partnerships, the activities of which are aimed at members of the Roma community in the Republic of Slovenia - development partnership Roma employment centre coordinated by the Škocjan Municipality, development partnership Roma education information centre coordinated by the Regional Development Agency Mura Ltd. SIT 2,599,343.54 have already been invested in the first development programme from the budget of the Republic of Slovenia in 2005, and SIT 3,421,433.61 were invested in the second development programme which totals SIT 6,020,777.15. Budget funds to the amount of SIT 35,756,423.77 and SIT 29,016,848.70 are planned for 2006, totalling SIT 64,773,272.47. In 2007, SIT 30,512,096.27 and SIT 24,761,002.01, totalling SIT 55,273,098.28 have been earmarked. The two projects are co-financed from EU funds (75 per cent) and national funds (25 per cent). The projects will be concluded on 28 October 2007.
The objectives of the Roma employment centre include:
- Analysing the current situation and measures in the field of education of Roma;
- Analysing the education structure of Roma potentially active in the labour market;
- Developing programmes for promotion and motivation of Roma for education and training;
- Drafting the education strategy;
- Establishing professional aspirations and chances of Roma for employment;
- Selecting occupations and suitable jobs for Roma;
- Providing information to Roma on possibilities for education, training and employment;
- Selecting the existing adequate forms of training for Roma, proposing new forms of training;
- Providing concrete proposals for training programmes and the formulation and implementation thereof;
- Organising additional training programmes for persons working with Roma (education providers, counsellors, employers);
- Motivating and establishing the requirements among employers for Roma labour force;
- Establishing the public institution, Roma employment centre;
- Establishing a database of Roma employment seekers and potential employers;
- Exchanging experience, information, good practice cases (also at trans-national level);
- Drafting proposals (initiatives) for amending the labour legislation.

The objectives of the Roma education and information centre include:
- Improving the general situation of Roma (education, employment, self-perception);
- Establishing a national professional qualification “Roma mentor” and providing for activities of Roma mentors within the Roma education and information centre.

Data provided by municipalities show that in 25 Slovenian municipalities there are 90 Roma settlements. The largest Roma settlement is the local community of Pušča in the Murska Sobota Municipality (approximately 850 residents), and the smallest settlement is Pince in the Lendava Municipality with two residents. The majority of Roma still reside in settlements isolated from other populations or on the outskirts of settled areas in circumstances below the minimum housing standards. Data show that 39 per cent of Roma live in brick houses, half of which were built without the required licences; only 12 per cent of them live in apartment blocks. The remainder live in temporary residences – cabins, housing containers, caravans and similar. Only a minor part of Roma live together with the majority population (mainly in the Prekmurje region) where Roma have achieved a satisfactory level of socialisation and have integrated into society.
The basic conditions for the successful inclusion of Roma in society (education, employment, etc.) are regulated, living conditions are decent. There have recently been many developments in this area.

Co-financing of Roma settlement planning and management by the Republic of Slovenia

- In 2002, the Ministry of the Economy published the tender – funds for planning and management of basic public utility infrastructure in Roma settlements, to which municipalities with Roma population could apply. On the basis of this tender, in 2002, 2003 and 2004, nine municipalities (Dobrovnik, Kuzma, Tišina, Murska Sobota, Lendava, Turnišče, Črenšovci, Semič and Črnomelj) with Roma population were allocated SIT 142,200,000 (approx. EUR 592,000).

- The Public Fund of the Republic of Slovenia for Regional Development and Preservation of the Settlement of Slovenian Rural Areas published in September 2004 the "Public tender for co-financing projects of basic public utility infrastructure in Roma settlements" worth SIT 100 million (EUR 416,000). Four municipalities received funding (Trebnje, Krško, Kuzma and Rogašovci).

- In July 2005, the Government of the Republic of Slovenia adopted the Implementation Programme of Assistance to Municipalities in order to settle the most urgent public utility infrastructure problems in Roma settlements in 2005. This Programme provides for the allocation of SIT 306,158,513 (EUR 1,275,000) to municipalities in 2005 (SIT 150,000,000 of which from the 2005 budget, and the difference from the 2006 budget) for completing projects applying to the tender in September 2004.

- The Government Office for Local Self-Government and Regional Policy will annually publish a new call for applications of projects in the annual executive programme of assistance to municipalities in settling the basic public utility infrastructure in Roma settlements. The municipalities with historically settled Roma population thus have the chance of gradually regulating the situation in Roma settlements and thus providing decent living conditions for Roma, which is the basis for positive results in all other areas (education, employment, socialisation, etc.).

Public tender of the Housing Fund of the Republic of Slovenia:

Municipalities with Roma population could also apply for the "Programme for promoting the distribution of rental, non-profit apartments in municipalities for 2005" published by the Housing Fund of the Republic of Slovenia in October 2004, on the basis of which a municipality could acquire up to 75 per cent of funds for providing rental, non-profit apartments and in this way, efficiently resolve the housing issue of Roma in the municipality.

The general picture of the unemployment of Roma indicates concentration in some areas, especially in the regions of Prekmurje and Dolenjska, which poses a problem to the two regions. The number of registered unemployed Roma has been growing year by year. According to the regional offices of the Employment Service at which the unemployed Roma are registered, some employers indeed have a negative attitude towards Roma. However, it has been established that the main cause of the high unemployment of Roma is their extremely poor education structure. This is illustrated, for instance, by the fact that only 1.5 per cent of the unemployed Roma in the Dolenjska region have vocational education (level II) and a mere 0.3 per cent of the registered unemployed Roma have level IV. With such an education structure, the possibility of obtaining or maintaining jobs is relatively small.
The Ministry of Labour, Family and Social Affairs and the regional offices of the Employment Service have been drawing up and implementing special active employment policy programmes for unemployed Roma for several years. The purpose of special programmes is social inclusion, preparation for employment, which includes education and training, and employment itself. These programmes, which are tailored to the needs of specific groups, include:

- Social inclusion programme,
- Special employment programmes,
- Special education programmes, and
- Programme for the employment of Roma.

In the past years, the Ministry of Labour, Family and Social Affairs has also defined special measures, projects and programmes for employment of Roma:

- Equal Employment Opportunities for Roma – Our Common Challenge,
- Employment subsidies; Thousand New Opportunities Programme;
- Public works programmes.

The Ministry of Labour, Family and Social Affairs endeavours to make advances in the area of providing employment for unemployed Roma in Slovenia. An initiative entitled "Roma issues in the area of unemployment must be resolved" was put forward at a meeting between the Union of Roma of Slovenia and the Ministry of Labour, Family and Social Affairs on 7 August 2003. It was decided that the Ministry of Labour, Family and Social Affairs in cooperation with the Union of Roma of Slovenia would carry out employment programmes aimed at creating new jobs, and that the Ministry would grant support to the Union of Roma of Slovenia at other ministries in this regard.

In accordance with the adopted Government Programme of Measures for Assisting Roma of 30 November 1995, the decisions of the Government of 1 July 1999 and the decisions of the Government of 7 October 2004, the providing of employment opportunities and regular jobs at the headquarters of the Union of Roma in Murska Sobota and Novo mesto is in Slovenia's national interest and vital for the continuation of the Union's operation and endeavours.

Within the annual programme of active employment policy measures (hereinafter: programme), the Ministry of Labour, Family and Social Affairs is involved in certain activities/subactivities of the target group of unemployed persons. Financial resources for the implementation of the programme are provided from the integral part of the budget, the European Social Fund and the EQUAL Community Initiative. Within the target groups of persons and the budget, the Ministry of Labour, Family and Social Affairs keeps no separate record of the number of included members of individual nationalities and does not include funds within individual budget items for these purposes. The Ministry follows the number of unemployed members of the Roma community included in public works programmes and the number of public works intended for Roma. The volume of funds for co-financing public works programmes and the number of participating persons from the Roma community for 2006 and 2007 cannot be defined, as the public works programmes are selected on the basis of an annual public tender.

In cooperation with local communities, the Ministry of Labour, Family and Social Affairs will facilitate expansion of public works programmes for Roma, especially in the area of the environmental maintenance of Roma settlements and wider local communities and in providing learning assistance to Roma children during their schooling. This will enable
50 additional people to take part in the programmes. The aim of the programmes is to improve employment possibilities for Roma in their local environment. The Employment Service of Slovenia will take an active part in the formulation of these programmes, whereby it will take into account past experience.

In collaboration with employment offices and local communities, the social work centres also take part in implementing various local programmes for Roma.

In 2005, the Ministry of Labour, Family and Social Affairs allocated funds in the amount of SIT 1.5 million for the following programmes of the Roma ethnic community:

- A-help, Institute for health and social security counselling, Portorož, programme: C-ROM (Roma), SIT 120,000.00;
- Mozaik Society, Šmarje-Sap, programme: Barvice – activities with Roma at Koželjeva street in Ljubljana, SIT 300,000.00;
- Maribor Diocese Karitas, programme: Assistance to Roma children and their socialisation, SIT 120,000.00;
- Regional Red Cross Society Ribnica, programme: Socialisation of Roma, SIT 200,000.00;
- Regional Red Cross Society Kočevje, programme: Assistance to Roma, SIT 160,000.00 and
- Association for Development of Preventive and Voluntary Work Ljubljana, Terne Roma, SIT 621,507.00.

In 2005, the Ministry of Labour, Family and Social Affairs allocated funds in the amount of SIT 3.5 million for programmes of the Roma ethnic community within the tenders for co-financing programmes. The volume of funds and denominations of programmes may be seen in the table below:

<table>
<thead>
<tr>
<th>Institution</th>
<th>Denomination of the programme</th>
<th>Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Society of Allies for Soft Landing</td>
<td>Counselling work with Roma parents</td>
<td>224,209</td>
</tr>
<tr>
<td>Pomurje institute of education and culture</td>
<td>Day centre for the education of Roma parents and children</td>
<td>1,014,667</td>
</tr>
<tr>
<td>Society for Development of Voluntary Work</td>
<td></td>
<td>1,183,778</td>
</tr>
<tr>
<td>Krško Social Work Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Črnomelj institute of education and culture</td>
<td>Learning for co-existence</td>
<td>179,801</td>
</tr>
<tr>
<td>Črnomelj institute of education and culture</td>
<td>Improvement of the quality of life of Roma families</td>
<td>432,925</td>
</tr>
<tr>
<td>Centre for Development and Education, Novo mesto</td>
<td>Training for successful parenthood</td>
<td>489,206</td>
</tr>
<tr>
<td></td>
<td>Let’s play and study together</td>
<td>771,651</td>
</tr>
</tbody>
</table>

The Ministry of Labour, Family and Social Affairs also provides additional motivation to employers to employ the long-term unemployed. Article 36a of the Social Security Act should also be mentioned: an employer providing regular employment to a long-term unemployed beneficiary (who has received pecuniary social assistance for at least 24 months in the last three years) is entitled to an employment subsidy (at least SIT 1.5 million (approx.
EUR 6,250) per person in 2005 or SIT 1.8 million (EUR 7,500) per person in the case of disabled persons). The decision on the entitlement to subsidies is made by the Employment Service of Slovenia in consensus with the competent social work centre. The Employment Service monitors the discharging of contractual obligations and acts as necessary in case of violations. If the employer terminates the contractual relationship within two years from the date of employment, he/she is obliged to pay back the subsidy in the total amount, unless the reasons for the termination of employment lie with the employee; in such an event, the case is solved with substitute employment. According to the data available, only 30 out of the planned 300 beneficiaries of pecuniary social assistance were employed in this way in 2004, so that a plan to amend this measure is also among the amendments to the act currently in the parliamentary procedure. The measure proved to be too rigid.

With the objective of harmonising Slovenian legislation with the European acquis in the area of anti-discrimination measures, the Office for Equal Opportunities drafted an Implementation of the Principle of Equal Treatment Act, which has already been adopted by the National Assembly of Slovenia and includes the necessary anti-discrimination measures in compliance with European Union directives.

At its 93rd regular session on 7 October 2004, the Slovenian Government dealt with the Report on the Situation of Roma in Slovenia drafted by the Office for Nationalities in cooperation with competent departmental authorities, and again adopted ten decisions towards a more rapid resolving of Roma issues. In compliance with the decisions, the Government of the Republic of Slovenia tasked the ministries and its offices to include, within their competencies, the settlement of Roma issue in their programmes, to draft action plans for their implementation as well as other programmes and measures, including financial ones, as assistance to municipalities with autochthonous Roma communities. When allocating funds from the national budget, housing conditions, education and employment of Roma deserve special attention and assistance. The ministries and government services are tasked to ensure this. Everything stated above is also being implemented to a great degree.

Progress in this field will certainly be achieved through the basic Roma law currently in the preparatory stage, which is to regulate Roma issues in addition to the existing sector-specific legislation.

3. Non-discrimination

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The Slovenian Government is aware of the problem of an unregulated legal status of same-sex couples. For this purpose, the Ministry of Labour, Family and Social Affairs in December 2004 started drafting the law on registering same-sex partnerships regulating the legal status of homosexual partnerships, thus providing same-sex couples with the chance to exercise their rights and fulfil their obligations to their partners. On the basis of the registration of their partnership, partners have the right to maintenance and alimony, to acquire common property and regulate pecuniary relationships within the partnership, the right to housing protection, the right of inheritance of the share of common property after one of the partners dies and the right to be informed of the health condition of an ailing partner and to visit the partner in health institutions.
The Law on Registering Same-Sex Partnerships was adopted by the National Assembly on 22 June 2005 and published in the Official Gazette of the Republic of Slovenia, No. 65/2005. The Ministry of Labour, Family and Social Affairs, in cooperation with the Ministry of the Interior and the Ministry of Public Administration, is drafting an executive regulation on the basis of Article 38 of the above Law, which will exactly define the method of keeping records, the documents required for registration, requirements that must be met by an official person as well as the minimum standards for official premises and their furnishings. The Law will start to be implemented or applied after the record is established, i.e. by 23 July 2006 at the latest.

4. The situation of persons erased from the list of permanent residents

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The Ministry of the Interior drafted the elements already in August 2005 for the formulation of an adequate legal basis to finally regulate the situation of persons who lost their permanent residence, when the provisions of the Aliens Act became applicable in respect of them (“the erased”). On the basis of the material prepared, the Ministry of the Interior invited legal experts in the field of administrative, constitutional and tort law to cooperate.

In December 2005, the Ministry of the Interior submitted the draft Constitutional Act amending the Constitutional Act Implementing the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia to the Government of the Republic of Slovenia for consideration. At its 53rd regular session on 14 December 2005, the Government of the Republic of Slovenia adopted the decision postponing the consideration of the above draft constitutional act and tasked the Ministry of the Interior with additionally coordinating the draft.

The draft act also regulates the issue of permanent residence permits for those citizens of other successor states to the former SFRY who have not yet obtained a permit for permanent residence in the Republic of Slovenia. The draft act also regulates the issue of permanent residence permits for minors living in the Republic of Slovenia since their birth and the conditions under which citizens of other successor states to the former SFRY may be issued with the permit for permanent residence with retroactive effect.

The draft constitutional act also regulates the institute of “actual uninterrupted residence”, and the Constitutional Court of the Republic of Slovenia pointed to its deficiencies as well as exceptions enabling aliens, despite their actual absence from the Republic of Slovenia, to acquire the permit for permanent residence. The latter is envisaged particularly in cases of absence from the country as a result of measures deriving from the unregulated status of an alien.

The above draft constitutional act also regulates the right to compensation in cases when the beneficiary suffered damage due to the illegal action of an official person or authority.
6. Judicial system

Ad 65

The Ministry of Justice drafted and the Government of the Republic of Slovenia adopted, on 6 April 2006, the draft law on the protection of the right to trial without undue delay and submitted it to the National Assembly of the Republic of Slovenia for consideration under urgent procedure. The draft law regulates certain measures to accelerate the resolution of a case dealt with by a court for an unreasonable period of time. At the request of the party to judicial proceedings, the president of the court or the president of the court of higher instance may request the judge resolving a case for an unreasonable period of time to grant priority treatment to the case or sets a deadline for certain procedural acts. The draft law also provides for a just satisfaction of the party, in whose case the right to a trial without undue delay was allegedly violated (Article 23, paragraph 1 of the Constitution of the Republic of Slovenia) or the right to a trial within a reasonable time (Article 6, paragraph 1 of the European Convention on Human Rights), particularly in the form of payment of pecuniary compensation for non-property damage. The draft law does not imply direct elimination of court backlogs, but provides the party to proceedings, whose right to a trial without undue delay was allegedly violated, with an efficient legal remedy.

9. Situation of asylum-seekers and refugees

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As regards reintegration of refugees, the Republic of Slovenia guarantees to refugees the right to accommodation in Ministry of the Interior accommodation facilities or to pecuniary benefit for private accommodation, social security (temporary pecuniary benefit of the Ministry of the Interior or pecuniary social benefit provided by social work centres), health care comprising the primary and supplementary health insurance (the same as Slovenian citizens), education, employment and work as well as free legal assistance. The integration is being carried out on the basis of the 2004 Regulation on the Rights and Obligations of the Refugees in the Republic of Slovenia, in compliance with which a personal integration plan is drawn up, i.e. an arrangement between a refugee and the Ministry of the Interior regarding the learning of the Slovenian language, education, possibilities for employment and work, accommodation, active integration into the local community and similar. The plan is drafted for the period of one year, and the integration assistance itself is carried out within the period of three years as of the acquirement of refugee status. As the experience gained thus far shows that refugees encounter greatest difficulties in the field of housing in the capital city, the Ministry of the Interior plans to set up an integration house, at first in Ljubljana and later also in Celje and Maribor, which will provide temporary accommodation for refugees and could also be used for some integration measures.

As to the reproaches by NGO representatives regarding the lack of interest of authorities in cooperating with them in the field of integration of refugees, we would like to underline that representatives of the Ministry of the Interior very often cooperate with representatives of NGOs and migrant organisations in the implementation of integration measures. NGOs participated in the implementation of integration measures for persons that acquired the permanent residence permit on the basis of the Act amending the Temporary Asylum Act and
carried out integration programmes on the basis of two tenders published by the Ministry of the Interior, the former Government Office of the Republic of Slovenia for Immigration and Refugees, which was also adequately funded.

On the basis of a public tender for co-financing programmes of assistance in the integration of refugees and aliens in the Republic of Slovenia for 2003, the former Office for Immigration and Refugees allocated SIT 43.4 million of its own funds for nine selected NGOs for the implementation of eighteen integration programmes.

In January 2005, the Ministry of the Interior published a public tender for co-financing assistance programmes in housing, care and integration of asylum-seekers and refugee integration in the Republic of Slovenia for 2005, which was co-financed by the European Refugee Fund and the Ministry itself. The total value of funds put up for tender amounted to SIT 24.8 million. 12 programmes of four different non-profit organisations were selected at the tender, 5 in the field of accommodation, care and integration of asylum-seekers and 7 in the field of refugee integration, to the total value of SIT 16.9 million.

In November 2005, the Ministry of the Interior published a new public tender for co-financing assistance programmes in housing, care and integration of asylum-seekers in the Republic of Slovenia for 2006, which was co-financed by the European Refugee Fund and the Ministry itself. The total value of funds amounted to SIT 41.9 million. Due to inadequate applications, only six programmes of four different NGOs were selected out of 21 programmes, i.e. three in the field of housing and care of asylum-seekers and three in the field of refugee integration, in the total value of approx. SIT 20 million. Therefore, the tender will be repeated in April 2006 and some programmes will be added such as legal counselling to asylum-seekers.

With regard to the above, we believe the reproaches on the lack of interest in authorities in cooperation with NGOs in the field of refugee integration to be unfounded and that the cooperation is running correctly and according to the needs in this field.

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Health services for asylum-seekers are defined by the amended 2006 Asylum Act (Article 46). These include emergency care and medical transport, the right to emergency dental treatment and the right to emergency treatment and health care for women. If a certain health service is required, each case is considered separately and in cooperation between the Ministry of the Interior and the Ministry of Health, which provides for adequate treatment. The above scope of asylum-seekers’ rights is larger than the scope of emergency care for aliens with permanent residence in Slovenia.

As regards education, the authorities admitted legal limitations that are in compliance with international standards. Nevertheless, the interested applicants are also provided with the chance of education at a level higher than elementary school on the basis of cooperation with the Ministry of Education and on a case-by-case basis.

The existing legal and executive order in the Republic of Slovenia are in compliance with the minimum standards of the European Union in this field, whereby the competent authorities in specific cases often grant a higher level of individual rights to asylum-seekers than provided for by regulations.
11. Institutions for persons with disabilities

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In 2005, the Ministry of Culture started providing special services for implementing measures that would improve possibilities for the disabled as impaired groups and children as a vulnerable group for participation in cultural life. They started with a sequence of systematic analyses of accessibility of culture to the above groups at different culture areas (e.g. librarianship, music, protection of cultural heritage etc.), on the basis of which adequate measures will be formulated through dialogue with these groups.