



Civil society monitoring report
on implementation
of the national Roma integration strategy
in Slovenia

*Identifying blind spots
in Roma inclusion policy*

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April 2020



EUROPEAN COMMISSION

Directorate-General for Justice and Consumers
Directorate D — Equality and Union Citizenship
Unit D1 Non Discrimination and Roma Coordination

European Commission
B-1049 Brussels

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Luxembourg: Publications Office of the European Union, 2020

PDF

ISBN 978-92-76-19956-4

doi:10.2838/61709

Catalogue number DS-01-20-378-EN-N

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The report was prepared by Ms Maja Skalar, independent expert, in cooperation with NGO 'Scientific and Research Association for Art, Cultural and Educational Programmes and Technology EPEKA, social enterprise'.

The report was prepared as part of the Roma Civil Monitor pilot project, 'Capacity-building for Roma civil society and strengthening its involvement in the monitoring of National Roma Integration Strategies'. The pilot project is carried out for the European Commission, DG Justice and Consumers. It is coordinated by the *Center for Policy Studies* of the Central European University (CEU CPS), in partnership with the European Roma Grassroots Organisations Network (ERGO Network), the European Roma Rights Centre (ERRC), the *Fundación Secretariado Gitano* (FSG) and the Roma Education Fund (REF) and implemented with around 90 NGOs and experts from up to 27 member states.

Although the Roma Civil Monitor pilot project, as part of which the report was prepared, is coordinated by CEU, the report represents the findings of the author and it does not necessarily reflect the views of CEU. CEU cannot be held responsible for any use which may be made of the information contained therein.

CONTENTS

LIST OF ABBREVIATIONS	8
EXECUTIVE SUMMARY	9
INTRODUCTION	11
LACK OF SUPPORT FOR ROMA YOUTH	13
Definition of the problem	13
Background and cause of the problem	13
Policy answer to the problem.....	14
HATE SPEECH AND ANTIGYPSYISM	19
Definition of the problem	19
Background and cause of the problem	19
Policy answer to the problem.....	22
LACK OF ETHNICALLY DISAGGREGATED DATA	26
Definition of the problem	26
Background and cause of the problem	26
Potential policy answer to the problem	28
RECOMMENDATIONS	29
BIBLIOGRAPHY	31

LIST OF ABBREVIATIONS

CAHROM	Ad hoc Committee of Experts on Roma Issues
ECRI	European Commission against Racism and Intolerance
ESF	European Social Fund
EU	European Union
LGBTQIA+	lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual
MESS	Ministry of Education, Science and Sport
NPUR	National Programme of Measures for Roma for the period 2017-2021
NRCP	National Roma Contact Point
NRIS	National Roma Integration Strategy
NGOs	Non-Governmental Organisation
PADA	Protection against Discrimination Act
RCM	Roma Civil Monitor

EXECUTIVE SUMMARY

Slovenia has had a specific national Roma inclusion strategy (NRIS) developed since 2010, currently in the form of a document entitled "National Programme of Measures for Roma of the Government of Republic of Slovenia for the period 2017-2021" (NPUR).¹ It includes all major areas of Roma integration, such as education, employment, health and housing, as well as participation in social and cultural life, raising awareness, and anti-discrimination. However, based on a broad community consultation, the authors of this report have found out that the following three issues have not received proper attention in terms of a policy response: the lack of support for Roma youth; hate speech and antigypsyism; and the lack of ethnically disaggregated data.

Lack of support for Roma youth

In the NPUR, as well as in mainstream youth policies, there is a clear lack of measures specifically targeting individual Roma youth and responding to their needs. Most of the social security and educational projects in the Roma multi-purpose centres focus on children in preschool and primary school. Roma who complete their compulsory schooling and Roma high school or university students receive almost no official support in terms of guidance, motivation, career orientation, scholarships or access to dormitories. Young, educated Roma are not supported and not included in policy making, resulting in a Roma "brain drain" and/or in their own communities isolating them. Roma adolescents can become easy targets for individuals or organised groups who induce them to commit crimes. There are only a few trainings organised for teachers and other professionals working with Roma youth.

Even though LGBTQIA+ Roma suffer multiple discrimination, the NPUR includes no measures in this regard. There is a favourable legal and policy framework for youth associations and structures, and even some affirmative action measures for Roma youth organisations; however, activation and participation in Roma youth organisations remains a challenge.

Hate speech and antigypsyism

In Slovenia, there is a problem with the prevalence and acceptance of hate speech and frequent impunity for it. Intolerant, xenophobic, discriminatory rhetoric is increasing, both offline and online, very often against Roma. The general attitude towards Roma in society is bad, and the discourse on Roma in the media, and sometimes also by politicians, is marked by discussions of Roma allegedly committing crime or abusing social assistance.

The legal and institutional framework to fight hate speech exists in Slovenia, including the creation of the Advocate of the Principle of Equality; but there are a lot of gaps and implementation problems. Until recently, an act of incitement to hatred was prosecuted as a crime only in cases of concrete danger to public order, but with new developments in hate speech case law that might change – now cases of threatening, abusive or insulting content can also be prosecuted as a crime. The data on hate speech is still too fragmentary.

The NPUR does not include many measures on raising awareness and combating discrimination, and there have been only a couple of trainings organised for public servants working with Roma – except for the promising practice of training Police employees about stereotypes, prejudice and discrimination prevention.

¹ Government of the Republic of Slovenia. 2017. *National Programme of Measures for Roma for the period 2017-2021*. Access: http://www.un.gov.si/fileadmin/un.gov.si/pageuploads/NPUR_2017_2021.pdf

Lack of ethnically disaggregated data

Due to a specific interpretation of the Constitution and legislation in the field of personal data protection about the collection of data on national and ethnic origin, there is a very limited data set available about the social situation of the Roma population in Slovenia. A more robust data set would enable comprehensive planning of targeted policies and measures as well as adequate monitoring of their impact. Although EU regulations would allow for it and several international bodies have been urging the Slovenian Government for more than a decade to collect ethnically disaggregated equality data, the Government is very hesitant to do this.

The Roma community is also aware of the need for accurate, updated data, but their representatives point out potential trust concerns on the part of Roma individuals and their subsequent fear of self-identification as Roma during the census. However, there are existing possibilities for data collection while still protecting personal data (through Article 16 of the Protection against Discrimination Act). The government should make use of those options or find alternative mechanisms for collecting data on the Roma population in Slovenia, perhaps even learning from Croatia's experience.

INTRODUCTION

The first national Roma inclusion strategy (NRIS) for the 2010-2015 period was of course welcomed, in the sense that a strategy for Roma inclusion now exists; that a National Roma Contact Point (NRCP) was established; and that the state has some kind of obligation to report on Roma inclusion. However, the 2010-2015 programme of measures was not entirely implemented, and the next programme – the current National Programme of Measures for Roma Integration 2017-2021 (NPUR) – is very similar to the previous one. Something that changed for the worse is that the line ministries and state bodies responsible for specific measures did not have an obligation to provide an action plan of measures for implementation during the six months after the programme was introduced; while this obligation existed in the previous 2010-2015 programme.² NPUR has been criticised as an abstract document, often without a set budget, a timeline, or clear targets; it relies heavily on ESF and lacks coordination between implementing bodies.³

In developing this third RCM report,⁴ the authors used several research techniques to identify gaps in public policy, including interviews with human rights and public policy experts, interviews with Roma and pro-Roma NGOs, interviews with officials of line ministries and project leaders in relevant policy fields, community consultation with relevant stakeholders, participant observation (EPEKA's own experience when working with Roma), interviews with members of Roma communities, and reviewing existing independent reports and research.

To credibly identify blind spots in Slovenia's Roma inclusion policy and to come up with relevant topics for this report, the authors organised a broad community consultation in Slovenia between 15 September and 31 October 2019. This consultation was conducted in person, by email correspondence and by video chat interviews, and involved a diverse pool of NGOs and stakeholders:

- 15 Roma women – participants of EPEKA trainings on labour market activation;
- three young Roma intellectuals;
- two Roma journalists;
- three members of the leadership of the biggest Roma associations in Slovenia;
- the president of the Roma Councillors Forum;
- two human rights and public policy experts;
- the director of the National Roma Contact Point (Office of the Government of Slovenia for Nationalities);
- one employee of the Ministry of Education, Science and Sport;
- the project manager of the *Together for Knowledge* project.⁵

Several relevant topics came up during the consultation. Some of the topics were already tackled by NPUR, but some topics either were not mentioned at all; or were mentioned only briefly; or were mentioned without action being taken on them; or where measures were taken, sometimes they yielded no result. Some of these topics were covered already

² Government of the Republic of Slovenia. 2010. National Programme of Measures for Roma for the Period 2010-2015. Available at: https://www.gov.si/assets/vladne-sluzbe/UN/Dokumenti-Romi/35778fa671/Program_ukrepov.pdf, page 5.

³ *Ibid.*

⁴ The first annual cycle of the Roma Civil Monitor was focused on the horizontal precondition of the Roma inclusion – governance, fight against antigypsyism and anti-discrimination. The second cycle concerned the four key policy fields – education, employment, healthcare and housing. All reports are available at: <https://cps.ceu.edu/roma-civil-monitor-reports>

⁵ This project is co-financed by the Republic of Slovenia and the ESF and implemented by a team of the Centre for School and Extracurricular Activities at numerous locations throughout Slovenia.

by the [first](#)⁶ and [second](#)⁷ RCM reports on Slovenia (related to poverty, housing, education, employment, health, etc.). Many community consultation participants brought us recommendations, and we are reporting on those where relevant.

On the basis of the community consultation, the authors have identified the following three issues that have not received proper attention in the current strategic cycle:

- 1) Lack of support for Roma youth,
- 2) Hate speech and antigypsyism,
- 3) Lack of collection of ethnically disaggregated data.

These topics were either largely overlooked or represent a weakness in the Roma inclusion policy process in Slovenia.

⁶ European Commission (2018)

⁷ European Commission (2019)

LACK OF SUPPORT FOR ROMA YOUTH

Definition of the problem

Roma are a comparatively young population in the EU: their average age is 25, compared to the EU average age of 40.⁸ According to the Slovenian *Act on the Public Interest in the Youth Sector*,⁹ "youth" are defined as minors and young adults of both genders aged between 15 and 29 (inclusive).

Both the NPUR and other mainstream and Roma-related policies include Roma youth issues, as described in detail in the third part of this chapter. However, one can conclude that in Slovenia there is a clear lack of measures in the field of Roma youth. During the community consultation, several interviewees, including the National Contact Point for Roma (NRCP), the president of the State Office of Nationalities, Mr Stane Baluh, and the head of the *Together for Knowledge* project, Ms Barbara Kejžar from the Centre for School and Extracurricular Activities, agreed that there is a considerable lack of measures for this part of the Roma population and that this is an area where more measures have to be designed and implemented in the future. When it comes to Roma youth who are of high school age or older, they remain isolated, inactive, marginalised, unmotivated and without any kind of support for orienting themselves.

Background and cause of the problem

One of the main challenges Roma youth in Slovenia are facing is the low levels of education they attain, which creates obstacles to participating in employment and in society in general. Those Roma youth who choose to continue their education at the high school and university levels have no support. Similarly, for those Roma who attend compulsory education but do not complete it, there are no specific programmes organised to motivate them to finish. There have been only a few pieces of training organised for professional workers who work with Roma pupils and students, and career orientation for Roma youth is insufficient, so even if they finish some level of education, they do not get employed due to a mismatch between their skills and the job market's needs. "*Young, educated Roma brain drain is a problem, especially in the Dolenjska Region where Roma communities isolate educated youth, if they do not already isolate themselves,*" says Ms Alenka Klepac from the Ministry of Education, Science and Sport (MESS). She pointed out that promoting the self-activation of Roma community members could be done in cooperation with successful, educated members of the Roma community and in cooperation with other policymakers in the field of Roma integration to facilitate a more stimulating environment. As far as young educated Roma are concerned, Ms Barbara Kejžar agrees that positive discrimination measures could be taken here, especially in areas that directly affect the Roma community. She believes, however, that such measures should not be the only solution to this issue, as the existence of reserved jobs for Roma candidates could have the unintended consequence of Roma only being hired for such jobs or only applying for such jobs. Ms Kejžar saw such a dynamic develop in a project where Roma school assistants were assisted with earning a university education as preschool teachers; despite their qualifications, some continue to work as Roma school assistants, even though they have the appropriate education to seek employment in educational institutions where the adjective "Roma" would not play a role in their hiring.

Participants in our community consultation also reported that there have been some cases when Roma high school students did not get places in dormitories. Even though Roma

⁸ International Perspectives in the Early Years. 2013. Edited by Linda Miller, Claire Cameron, SAGE. p. 80

⁹ *Act on the Public Interest in the Youth Sector*
<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5834>

students can apply for scholarships, and there is a specific measure in the NPUR about promoting this option to Roma youth, they are often not aware of it. Mr Blaž Kovač from Amnesty International Slovenia criticises this as follows: "Scholarships and dormitories are not a systemically-supported measure – so there are no places guaranteed." Mr Zvonko Golobič from the Association for the Development of the Roma Community in the Dolenjska Region said in an interview that in his opinion, many Roma youngsters are traditionally very attached to their families, and if they would have a chance to attend high school or university in another city, even if it was just 100 kilometres away from their home, they would not take it. He proposed that the state should stimulate young Roma to continue their educations at the secondary and university level by co-financing their studies on a part-time basis so they can still stay at home but study on the weekends or through distance learning.

Several participants in the community consultation pointed out that after leaving the school system, some Roma adolescents become easy targets for certain individuals who induce them to commit crimes because their legal status as minors will spare them prosecution if they are apprehended. Ms Kejžar believes the police and the courts should repeatedly resort to sanctions in such case, and of course that there should be preventive and other programmes to motivate Roma youth to pursue further education and direct them to vocational guidance to enable them to become self-employed after completing training (e.g., as craftsmen, electricians, etc.).

It was mentioned several times during the consultation that young Roma are not included in policy making, not supported, and not employed as public servants, etc. It has been stressed that young Roma and Roma youth organisations should be involved in the design of all relevant programmes and policies for young people and for the Roma. One of the issues is also that the work of young Roma is often performed for no remuneration; this is not sustainable for many of them and they need to be paid for the work they do.

One more thing the authors noticed several times during the community consultation is the multiple discrimination experienced by LGBTIQ+ Roma. NPUR pays no attention to the specific situation and needs of this group among Roma, who faces multiple structural inequalities. Roma LGBTIQ+ young people are often discriminated against not just by mainstream society, but also by their fellow Roma community members. The Roma Academic Club is the first, and so far, the only Roma organisation in Slovenia that has even started talking about Roma within the LGBTIQ+ community and vice versa. Mr Sandi Horvat, a young Roma journalist, said during the community consultation: "We think it is time to take a step forward, because it has already happened that although Roma organisations and their practitioners are in favour of minority rights, they are forgetting that LGBTIQ+ are also a minority, especially the Roma, who are part of the LGBTIQ+ community and who are being pushed aside not only by the Roma, but also by the majority community. As the majority treats the Roma population, the Roma community treats Roma who are part of the LGBTIQ+ community." Another young Roma intellectual confirmed during the community consultation: "More has to be done to introduce this topic to the Roma population, and to support Roma who are LGBTIQ+."

Policy answer to the problem

The NPUR includes a chapter on "Social security, social integration, protection of children, women and young people, and scholarship", and its main goal is "to prevent and eliminate the exclusion of Roma, particularly women, children and young people; to promote various programmes of social security, namely information and advisory programmes, field work, day centres, programmes of assistance and self-help; and to strengthen the awareness

among Roma of such programmes".^{10,11} There is a target to develop at least 10 five-year social security programmes, but in practice just a couple have been designed and implemented, and most of the participants are minors, not Roma young adults.¹² One of the largest projects (1.68 million EUR from ESF funds) involved the establishment of Roma multi-purpose centres¹³ to promote the improvement of the socio-economic situation of Roma community members (integration into society and approaching the labour market). In reality, many social security and educational projects focus mostly on pre-school and primary school children, and consequently the participants in those activities are mostly Roma minors. Roma high schoolers and young adults remain isolated, inactive, marginalised, unmotivated and without any kind of support to orient themselves.

The community consultation showed that while some measures are also intended for the target group of young Roma, they are not sufficiently connected to other measures; there are also some problems with their implementation (e.g., the measure of apprenticeships did not really take off). For example, all the measures implemented under the "Together for Knowledge" project were intended for Roma youth as well, but it may not be sufficiently targeted and adjusted for them, which is also to some extent due to limited financial resources. Ms Kejžar, the head of the project who was interviewed for the purpose of this report, said this is perhaps the main reason why the existing educational and social care programmes are well-attended by this group (Roma youth). In certain multi-purpose centres, they have established regular meetings, especially with adolescents, who saw the meeting as an opportunity to speak with project staff about various taboo topics that they would prefer not to discuss at home (e.g., sexuality, menstruation, relationships, etc.). The staff also conduct confidential conversations through other activities if they are able to develop relationships with this group (for example, during a walk to the nearby lake, which the girls use for such conversations if they recognise project staff as discreet and trustworthy). The staff noticed that it is more difficult to attract boys to these meetings, as they usually have other interests than girls, but boys can also be attracted through certain activities – for example, some time ago organising a first aid course and a course on traffic regulations proved to be a good incentive for boys to attend, as they needed the information to pass the driving test. It is precisely because of these positive experiences and proven approaches that those involved with this project will continue to encourage special attention for the young Roma population in the next programming period and that it takes into account the specifics of working with Roma youth.

The NPUR includes quite a few measures about preventing early marriages, or what are termed "cases of minors escaping harmful environments".¹⁴ Ms Klepac of the MESS, in an interview for the purpose of this report, mentioned that there have been meetings organised with all school principals of the affected regions – the talk focused on increasing the sensitivity of school staff to identifying early signs that could indicate changes in the lives of Roma girls. They have also strengthened their activities in the area of school inspection. Also, Ms Kejžar mentioned that it seems to her there have been certain shifts and advances in this area, as with the help of various projects in recent years this has

¹⁰ Government of the Republic of Slovenia (2017)

¹¹ Key sub-goals are reduction of poverty, promotion of active employment policy programmes, social activation, psychosocial rehabilitation and employment of recipients of financial social assistance, and development/increase in various preventive programmes.

¹² Peace Institute (2018).

¹³ In 2017 the Ministry of Labour, Family, Social Affairs and Equal Opportunities issued a tender for the establishment of multi-purpose Roma centres and subsequently concluded contracts with seven selected contractors. They are funded by the European Social Fund (80%) and the Republic of Slovenia (20%) from November 2017 to September 2021.

¹⁴ "Training of professional staff in social work centres on the guidelines and recommendations in those cases; financing of NGO programmes for Roma on so-called early and forced marriages and the consequences of such practices; and preparation of a protocol of action in the proceedings for dealing with cases of cohabitation with minor."

become a topic that is also being discussed publicly. Within the Roma community there are already voices condemning such acts, but perhaps not loudly enough yet. Much progress has been made, according to our respondent, notably that these practices are no longer considered allegedly part of Roma culture and tradition, as prosecutors and courts have sometimes interpreted them to be.

Young Roma are mentioned as well in the NPUR goals related to education: "Increase the integration of young people and adults in continuing educational processes in accordance with the lifelong learning principle.". Those Roma youth who are over 15 years old and who have completed their compulsory schooling without completing elementary school can always do so by attending adult education programmes, said Ms Klepac from the MESS. Ms Kejžar points out that although there is a consensus that there is an urgent need to develop and implement activities for early school leavers and adolescents who have completed compulsory schooling, there are currently only certain field activities of that sort, including the activities of the "Together for Knowledge" project. There are no strategies or targeted programs involving more concrete plans to motivate this group to engage in further education or vocational guidance, thereby increasing their employment prospects. Ms Kejžar also recommended that the state should specifically encourage those Roma youth who choose to continue their education at the high school and university levels. Roma youth are left without any help and support, which is why many of them give up during the first year of continuing education, especially in the South-East region.

Under the priority topic of education there is another goal relating to young Roma: integration of Roma into the apprenticeship system. The newly adopted Law on Apprenticeship¹⁵ introduces an apprenticeship system aiming to reduce the proportion of unemployed youth and to prevent social exclusion. The NPUR sets out to promote the apprenticeship system as much as possible among Roma, Roma representatives, Roma organisations, etc. However, Ms Klepac from the MESS said this measure has not yet been successful. Roma representatives propose that additional national vocational qualifications specifically designed for Roma would be welcome.

Even though the NPUR promotes the training of professionals to work with Roma pupils and students on topics such as lifelong learning and lifelong career orientation, in practice there have been no such programmes organised specifically for those working with Roma youth. Just two such courses have been organised for teachers, one at the close of 2017 and one at the start of 2018.¹⁶

As for mainstream youth policies,¹⁷ Slovenia's National Programme for Youth 2013-2022¹⁸ mentions Roma in just two priority areas. The first is priority area 5, which deals with the cultural life of minority and vulnerable youth, including Roma youth.¹⁹ The budget for this is 60,000 EUR from the state budget and additional funds from the ESF for 2018 and 2019.²⁰ The second is priority area 15: "To improve and strengthen programmes that

¹⁵ Official Gazette of the Republic of Slovenia [*Uradni list RS*] No. 25/17

¹⁶ Peace Institute (2018)

¹⁷ More info on youth policies in Slovenia can be found at: <https://eacea.ec.europa.eu/national-policies/sites/youthwiki/files/gdlslovenia.pdf>, and <https://www.gov.si teme/mladinski-sektor/>, <https://www.youthpolicy.org/factsheets/country/slovenia/>

¹⁸ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=RESO93>

¹⁹ "To enable their active and creative role in the development of their culture, their equal participation in cultural life and, at the same time, the quality integration of indigenous national communities, the Roma community, communities from the Declaration and other minorities and vulnerable groups into the social environment; informing all young people, through formal and non-formal education, media and culture, about the specificities of indigenous national communities, the Roma community, the Declaration communities and other minority communities."

²⁰ https://www.gov.si/assets/organi-v-sestavu/URSM/izv_nacNPM_18_19.doc

promote and support the social inclusion of young people with fewer opportunities,” which has several indicators²¹ and states that it pays special attention to Roma youth and to youth living with disabilities.

The Implementation Plan for 2018/2019 includes a call for proposals to co-finance social care programmes for the social inclusion of Roma (among others) – namely, day care centres for Roma children and adolescents.²² The budget for all social care programmes (not only for Roma) was 1,117,568 EUR annually for 2018/2019. Article 4 of the Act on Public Interest in the Youth Sector²³ identifies youth with fewer opportunities in society as a special target group in relation to care. In article 12, this law declares that any youth organisation with members from the Roma community can acquire the status of a national youth organisation even if it does not meet other conditions of membership (i.e., that it has to have a minimum of 300 members) and of territorial organisation (i.e., that it has to be present in most of the territorial units of Slovenia).

The Network of Public Social Programmes aiming to prevent or resolve the social distress of vulnerable population groups (and also providing assistance to children and adolescents) is defined in the Resolution on the National Social Assistance Programme 2013-2020; Roma specifically are mentioned in Chapter 3.2., point IX: “Network of programmes for social inclusion or Roma inclusion”. Currently this involves eight verified, developmental, and experimental programmes, and the goal is to have 15 programmes in total, in particular prevention programmes; information and advisory programmes; coordination, support and implementation programmes for assistance and self-help; fieldwork consultancy; and activation programmes aimed at improving job opportunities.²⁴

As was mentioned in the [first RCM report on Slovenia](#),²⁵ the Office for Youth of the Republic of Slovenia finances youth projects and projects focusing on the needs of young people, but has no projects specifically targeting Roma, even though there are a number of Roma organisations and associations in Slovenia (especially sports and cultural associations). The closest thing the Office finances is the broader category of vulnerable groups.

Despite this lack of direct funding, there are a number of Roma youth and cultural organisations. In the last decade the Office for Youth has supported projects aimed at helping at-risk youth and addressing various challenges (dropout, youth unemployment, discrimination, etc.), but a change in politics on the national level could quickly change this trend. With this in mind, it would be far better if the Resolution of the National Programme on Youth 2013-2022 were to plan the mandatory financing of programmes targeting Roma. Many topics (e.g., arranged marriages) are still not addressed as few Roma organisations are willing to tackle them. However, such oversights are putting the Roma minority in an even more marginalised role and increasing the social exclusion of Roma individuals.²⁶

²¹ The indicators are: the number of calls for proposals on the social inclusion of young people with fewer opportunities or for which organizations in the youth sector can apply; the number of programmes to increase social inclusion within the framework of active employment policy measures and programmes; and the number of young people up to 29 years of age who are enrolled in the programmes to increase social inclusion under the measures and programmes of the active employment policy, or who are receiving financial support or social assistance.

²² https://www.gov.si/assets/organi-v-sestavi/URSM/izv_nacNePM_18_19.doc

²³ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5834>

²⁴ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=NACP68>

²⁵ European Commission (2018)

²⁶ *Ibid.*

CAHROM (the Ad hoc Committee of Experts on Roma and Traveller Issues of the Council of Europe) in its 2015 report²⁷ (following a thematic visit to Slovenia) on Roma youth empowerment and inclusion of a youth dimension in national Roma inclusion strategies/policies agreed that Slovenia has adopted a favourable legal and policy framework for youth associations and structures (e.g., the governmental Office on Youth), such as the National Youth Council (*Mladinski Svet Slovenije*) and the national youth policy unit, as well as active local youth councils.

As mentioned above, law and policies allow for affirmative action for the creation of Roma youth organisations according to less stringent criteria. Nevertheless, CAHROM reports that no Roma youth associations are making use of these opportunities. A main challenge, therefore, is to find ways to encourage the participation of Roma youth organisations at the national level, including their involvement in the National Youth Council. CAHROM notes that so far just a few Roma youth organisations are active, such as the Roma Academic Club (*Romski Akademski Klub*),²⁸ and the authors of this report found another association supporting Roma youth that was actually recently awarded the status of an organisation of public interest in the youth sector, the Roma Youth Support Association (*Društvo za pomoč mladim Romom*).²⁹ CAHROM recommends that it would be useful to establish a national Roma youth organisation.

Another challenge that CAHROM found to be true for Slovenia is that Roma young people tend to emigrate, which creates problems in the sustainability of the NGO movement. Whilst taking note of the presence of a few Roma in universities in Slovenia thanks to supporting measures and tools, CAHROM suggests the Government take additional measures to at least double the number of Roma university students in Slovenia. Also, local action plans should be developed in more municipalities (just four out of 24 Roma municipalities have them) and should include a Roma youth focus.³⁰

CAHROM also notes that Institute Movit, the Slovenian national agency for Erasmus+, has supported the inclusion of young Roma in the Youth in Action programme (currently the Erasmus+ Programme) since 2012 with national and international trainings for Roma organisations or organisations working with Roma.³¹ As the [first RCM report on Slovenia](#)³² has noted, there are no data available on the extent to which disadvantaged Roma youth actually participate in and benefits from the Erasmus+ programme.

²⁷ Council of Europe (2015)

²⁸ <https://www.facebook.com/romski.akademskiklub>

²⁹ <http://dpmr.si/>

³⁰ Council of Europe (2015)

³¹ Council of Europe (2015). Trainings included: national information seminar/training course in 2012 for Roma organisations and/or organizations working with Roma with the aim of informing organisations about the existence of the programme and opportunities; international training in 2012 on inclusion of Youth Roma into the Youth in Action programme, with the aim of exchanging best practices, creating international partnerships and identifying the obstacles they face in their international Roma projects and their possible solutions; international study visit to Slovenia with the aim of presenting Slovenian good practices of Roma inclusion at the local level; international training on Cross-border Roma co-operation in 2015 where co-operation was established with the Croatian, Hungarian and Macedonian national agencies as well as with the SALTO South East Europe Resource Centre, which is covering the rest of the Western Balkans.

³² European Commission (2018)

HATE SPEECH AND ANTIGYPSYISM

While problems concerning anti-discrimination and antigypsyism were briefly covered in the [first RCM report on Slovenia](#),³³ the issues of hate speech and anti-Roma rhetoric and discourse both online and offline were specifically mentioned several times during the community consultation, so the authors have decided to analyse this problem further.

Definition of the problem

In Slovenia there is generally a problem with the prevalence and acceptance of hate speech and frequent impunity for it, as found by two recent reports: the European Commission against Racism and Intolerance's (ECRI) report on Slovenia from 2019,³⁴ and the report on the assessment of the hate speech situation in Slovenia by the Peace Institute (*Mirovni inštitut*) from 2016.³⁵

Intolerant, xenophobic and discriminatory rhetoric is increasing, both offline and online, together with populist discourse against migrants, Roma and LGBTQIA+ individuals, especially since the 2015 so-called "migrant crisis".³⁶ There is unfortunately no official data about it, due to gaps in the data collection. The *Spletno Oko* project (Web Eye hotline – a public, anonymous reporting system for hate speech cases and other illegal content spread via the Internet) has recorded a huge increase in reporting hate speech online (from 195 cases in 2007 to 1,273 cases in 2016), with 10% of all cases focusing specifically on Roma.

The Ombudsman reported 68 complaints on discrimination in 2017,³⁷ most brought by Roma reporting discrimination on the basis of ethnicity or nationality. The Advocate of the Principle of Equality received six complaints in 2017 concerning incitement to discrimination against Roma, out of a total of 79.³⁸ In 2019, the Advocate reacted specifically to hate speech online in website commentaries under an article about the genocide of the Roma.³⁹ The United Nations Special Rapporteur on minority issues Dr Fernand de Varennes explored the topic of hate speech specifically on his 2018 visit to Slovenia and concluded that "*Roma people continue to be disproportionately the targets of hate speech, which the authorities also need to tackle more aggressively and effectively*".⁴⁰

Background and cause of the problem

The discourse about Roma in the Slovenian media involves allegations of the commission of crime and abuse of social assistance, and there is no positive reporting about Roma. In news reporting, the ethnicity of alleged perpetrators is mentioned if a perpetrator is believed to be Roma, but if the alleged perpetrator is not believed to be Roma, then nationality and ethnicity are not mentioned. Some media outlets affiliated with right-wing political parties trample on the standards of professional journalism standards by

³³ European Commission (2018)

³⁴ European Commission against Racism and Intolerance (ECRI) (2019)

³⁵ Peace Institute (2016)

³⁶ *Ibid.*

³⁷ Human Rights Ombudsman (2019) pg. 9

³⁸ Advocate of the Principle of Equality (2018)

³⁹ <http://www.zagovornik.si/pozivanje-k-diskriminaciji-na-spletnem-portalu/>. Under the news of a symposium held to commemorate the victims of World War II genocide, the Advocate found comments from two portal users recognizing discriminatory statements that incited hatred and intolerance against the Roma in the way that the PADA defines as incitement to discrimination.

⁴⁰ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22938&LangID=E>

spreading hatred, racism and homophobia, said Petra Lesjak Tusek, president of the Slovenian Journalists' Association.⁴¹

For example, research in 2003 on how the media report on marginalised groups found that some print media use the same or similar argumentation strategies when reporting on marginalised groups: problematisation of the groups as such, criminalisation, generalisations, using hate speech when describing members of such groups, differentiating the behaviour of such groups, dehumanisation, and legitimisation of "defensive" action against the members of such groups. By reporting in this way, the media establishes a stigmatising, discriminatory discourse that functions according to the principle of separating "them" from "us".⁴²

The authors of an analysis of media discourse about Roma put it as follows: "Through the choice of topics, sources, genre, language and style, the media daily construct the image of 'us' as the representatives of a majority population, and of 'them' as the representatives of a minority. They impart information only about some specific cultural patterns of the minority, add new meanings to them and, finally, make such descriptions seem natural, universal and exclusively correct".⁴³ The analysis included 131 newspaper, television and radio contributions, and there was just one case where the hypothesis that the media "only report on Roma in the event of conflict" was not confirmed. The authors of the analysis conclude that media sources report about Roma almost exclusively in terms of "problems", talking about them and generalising them as lazy, aggressive, dangerous and different-looking, with a different culture, values and habits – "inadaptable". That makes it easier for hate speech and anti-Roma rhetoric to grow, to be accepted and internalised, to go unnoticed and unquestioned, and to be used not just in the corridors of schools, on social media, and in the comments posted online under media articles, but also in Parliament or by other public officials.⁴⁴ For example, a quick search through the media resulted in finding articles headlined "The Roma bully Kočevje [a town/region in Slovenia]"⁴⁵, or "How long will they tolerate the intimidation by the Roma minority?"⁴⁶ or online comments under articles such as "Where's the good old People's Militia?!" or "You gave power to the savages" or "These animals, however, are life-threatening. We see them on the roads as they are harassing people, they are associated with all the problems and they spend most of their lives on crime, but you do not dare face them or drive to their home. This is no police."⁴⁷

As for the general attitude towards Roma in society, an annual Slovenian public opinion poll from 2017 shows that 44% of respondents said they would not want to have Roma as neighbours.⁴⁸ The 2017 public opinion poll by the Advocate of the Principle of Equality showed that just 44% of respondents said they would employ a Roma man or woman in

⁴¹ <https://novinar.com/novica/posvet-pri-pahorju-brez-jasnega-odgovora-o-meji-svobode-govora/>

⁴² Pajnik, M. (2003).

⁴³ Erjavec K., Hrvatin S. B., Kelbl B. (2000).

⁴⁴ *Ibid.*

⁴⁵ Front page of daily newspaper *Slovenske novice* from 12 September 2019.

⁴⁶ <https://novice.svet24.si/clanek/novice/slovenija/5d7b796153358/do-kdaj-bodo-se-prenasali-ustrahovanje-romske-manjsine>

⁴⁷ https://www.rtvlo.si/crna-kronika/v-pretepu-na-murskosoboski-urgenci-obracunali-sprti-skupini-romov/500141?session_id=&utc_source=android_app

⁴⁸ University of Ljubljana, Faculty of Social Science. 2016. Slovenian Public Opinion Survey 2016 - summary of results. Available at: https://www.adp.fdv.uni-lj.si/podatki/sjm/sjm161_rm1_sl_v1_r1.pdf, page 32.

their own company, while 48% of respondents believe most Roma live on social assistance and “do not want to work”.⁴⁹

During the community consultation, it was learned that hate speech and anti-Roma rhetoric are considered serious problems in Slovenia that have long gone unaddressed. For example, the Roma women who were interviewed said they are very much bothered by how society is putting all Roma in the same category as those who break the law just because they are also Roma. As mentioned in the [second RCM report on Slovenia](#),⁵⁰ it is already very difficult for Roma to find jobs because of discrimination against them and prejudice on the side of employers. The media has an additional effect on the dissemination of negative stereotypes about Roma with its generalisations and sensationalist reporting.

Ms Barbara Kejžar, head of the “Together for Knowledge” project, said during the community consultation that in the Roma multipurpose centres they often encounter this kind of discourse in the field, except that recently it may be more subtle and “between the lines”. However, there are many prejudices and stereotypes among teachers and other professionals in schools and kindergartens, as well as among social workers, so she recommended that it would be sensible to undertake concrete, meaningful training of such personnel in how to overcome such bias.

Mr Blaž Kovač, campaigns project manager from Amnesty International Slovenia pointed out in an interview that the hate speech problem should be seen through the prism of poverty as well; he thinks a huge proportion of hostility toward Roma stems from their poverty and the marginalisation it entails, not so much from their ethnicity.

The NRCP representatives told the authors of this report that they are also aware there is a real problem with the way the media report about Roma and that too little has been done in this field in the past: “Overall, the media form public opinion, but when reporting on the Roma community, they are not sufficiently aware of it – they do not know how to present a specific topic in a holistic light and all this leads to the creation of a negative opinion about the Roma (reinforcing historical stereotypes about the Roma), even among those who have never met the Roma.”

From the described cases, it is obvious that in Slovenia, a lot of politicians are not aware of the special responsibility they have in this regard because of their influence on the public. Researchers at the “Light On Project”⁵¹ found that racist discourse is spread not just by extremist, right-wing movements and organisations emphasising patriotism, but often by politicians, as hate speech in Slovenia also comes from the National Assembly (the Parliament). The Human Rights Ombudsman has been proposing for several years that parliamentarians create a Code of Ethics for themselves, but this has not happened yet.⁵² One notable example is the appearance of a Member of Parliament known for racism and hate speech on a public television broadcast who openly and unreservedly spread hatred against the Roma, even after being warned not to do so by the host and the other guests on the show. Although the case was met with outrage from the public and some politicians, neither the programme management, nor the editor, nor the presenter took any responsibility for having invited the politician but shifted the responsibility fully to the MP.⁵³

Data on hate speech is collected by the police, the Prosecution Service, by independent institutions and NGOs, and by ECRI reports. In practice, this data gathering is carried out

⁴⁹ Advocate of the Principle of Equality (2018), page 98.

⁵⁰ European Commission (2019)

⁵¹ <http://www.lighton-project.eu/site/main/page/home>

⁵² Human Rights Ombudsman (2019)

⁵³ *Piramida* show from 28 November 2006 on national public broadcaster

by civil society and academia with the financial support of the state. However, the data collected by these different stakeholders are not classified in a unified manner and are too fragmentary. In addition, the state does not collect data disaggregated by ethnicity due to the law on personal data protection (PADA), and that means we do not have disaggregated data on hate speech cases targeting Roma. Article 16 of PADA does provide for such data gathering - the collection of "anonymised" data on the number of discrimination cases according to the individual, personal circumstances and forms of discrimination - so, ECRI is urging Slovenia to use this article to gather this data.⁵⁴

Policy answer to the problem

The state is not doing a lot to target mainstream society, politicians or the media when it comes to fighting stereotypes, reducing prejudice, and building trust between Roma and non-Roma. There have been no substantive awareness-raising campaigns on this topic for several years, nor has there been any substantive condemnation of the hate speech against Roma in the media.

There is no mention of antigypsyism in Slovenian policy or political discourse. However, in this regard, an awareness-raising campaign was organised in 2019 by the NGO EPEKA as part of the European Youth against Antigypsyism project.⁵⁵

Roma councillors and representatives of municipalities⁵⁶ have stressed the impact and increase of hate speech against Roma (by media figures, politicians, teachers, public servants) and of biased media coverage about them. They notice that the increase in hate speech against Roma is emerging on social networks and online forums; also, that some media outlets reporting on misdemeanours and crimes allegedly involving members of the Roma community highlight the alleged perpetrators' ethnicity, which reinforces prejudice against Roma and intolerance of them by the majority population. These informants also noticed that the reporting on offenses and crimes allegedly committed by Roma is drastically different from the reporting on such acts when they are allegedly committed by members of the majority population. The Roma councillors and representatives of municipalities listed some good practices and possible solutions: the public broadcasting media and other media outlets should publish positive stories of Roma as well as specific Roma broadcasts; awareness must be constantly raised and the majority population informed that offenses and crimes are perpetrated by a small proportion of the entire Roma population (similar to the offenses and crimes of the majority population); consistent prosecution and punishment of media companies and individuals who spread hate speech; meeting with the Journalists' Honorary Tribunal to get acquainted with the situation, its trends and challenges, and to take effective action; consistent reporting of hate speech through the online platform www.spletno-okno.si; and raising Roma awareness about online communications and its consequences.

The national strategy includes a chapter on "measures in the area of raising awareness and anti-discrimination". Besides co-financing the functioning of the Roma Community Council as the umbrella organisation of Roma in Slovenia (with 112,000 EUR per year from the state budget), one of the goals of that chapter is "to support activities for the improvement of the situation of Roma and for recognising the Roma community as a constituent part of Slovenian society, and for activities directed at the prevention of discrimination and elimination of prejudices and stereotypes against Roma locally, with a

⁵⁴ European Commission against Racism and Intolerance (ECRI) (2019)

⁵⁵ See: <https://epeka.si/mladi-proti-anticiganizmu/>. The purpose of the project was to exchange good practices, share experiences, increase the competencies of participants and discover ways to combat discrimination and promote Roma integration without interfering with their cultural specificity.

⁵⁶ Participants of the workshop: "Together We Are More Successful: Focused Discussion on Developing Comprehensive Approaches and Action Plans for Roma Inclusion in North-eastern Slovenia" on 15 October 2019.

focus on Roma women, girls and young people.” The indicator for this goal is set as at least three such activities implemented by Roma community organisations annually according to the actual needs of Roma community members at the local level with respect to the applied programme/project. The budget for this is coming from state funds (the Office of National Minorities) and is approximately 200,000 EUR for the 2016-2021 period. The Peace Institute, in its evaluation of the implementation of this policy, reports that just a smaller share of the activities implemented by Roma organisations was focused on raising awareness and combating discrimination, while the larger proportion of activities pertained to the areas of integration in education, social activation, social inclusion, employment, or empowerment to apply for tenders.

Another goal in this chapter is “to improve the capabilities of public servants whose duties involve interacting with Roma community members”,⁵⁷ and its measure is “training of public servants whose duties involve interaction with Roma community members.” The indicator was five trainings annually, covered from the state budget. The Peace Institute reports that in 2017, four such trainings were carried out for civil servants meeting whose duties involved interaction with members of the Roma community, with a total of 117 participants. More such trainings are necessary.

One measure that has been implemented and can be considered a promising practice is the education and training of Police employees under the programme “Awareness about stereotypes, prejudice management, and discrimination prevention in a multicultural community”. It is very telling is that the final measure listed among the “measures in the area of raising awareness and anti-discrimination” is “implementation of police work in the community”; one could argue that this measure feeds the stereotype of Roma criminality (even though Roma security is important and was raised in the community consultation as well; however, this measure should be part of another chapter).

Ms Klepac from the MESS mentioned in an interview conducted for this report that in the new Strategy on Education for Roma, the ministry will include continuing professional development of teachers, including sensitisation to working in a multicultural environment, where they will address whether teachers’ expectations are lower for Roma children or whether there is a lack of awareness of children’s exposure to dual cultural influences.

In 2015, a joint civil society and academic project “Responding to Hate Speech – Activation of an Independent Conjunctive Body” established an Anti-Hate Speech Council to respond to cases of hate speech by releasing public statements at the request of a legal entity or natural person, or at the proposal of a member of the Council.⁵⁸

The Advocate of the Principle of Equality, in its 2018 report, described⁵⁹ organising two panel discussions with Roma organisations in Prekmurje and Dolenjska and learning that Roma lack information about the existence of the Protection against Discrimination Act and its discrimination-reporting options.

The legal and institutional framework to fight hate speech exists in Slovenia, but it has a lot of gaps and implementation problems.⁶⁰ The Constitution⁶¹ in Article 63 prohibits

⁵⁷ Goal is to improve the ability of public servants to communicate with Roma community members who they meet in their work, to raise awareness of the prejudices and stereotypes against Roma in the relevant environment and to inform public servants of their own prejudices and stereotypes and search for practical solutions for specific challenges in an environment of both the public servants and Roma.

⁵⁸ <http://www.mirovni-institut.si/govor/>

⁵⁹ Advocate of the Principle of Equality (2019).

⁶⁰ European Commission against Racism and Intolerance (ECRI) (2019).

⁶¹ Ustava Republike Slovenije (Uradni list RS, št. [33/91-I](#), [42/97](#) – UZS68, [66/00](#) – UZ80, [24/03](#) – UZ3a, [47, 68](#), [69/04](#) – UZ14, [69/04](#) – UZ43, [69/04](#) – UZ50, [68/06](#) – UZ121,140,143, [47/13](#) – UZ148, [47/13](#) – UZ90,97,99 in [75/16](#) – UZ70a) <http://pisrs.si/Pis.web/pregledPredpisa?id=USTA1>, English version – access : <https://www.us-rs.si/en/about-the-court/legal-basis/constitution/>

incitement to national, racial, religious or other inequality; incitement of national, racial, religious or other hatred and intolerance; and incitement to violence and war.

The Criminal Code⁶² contains, in Article 297, a general prohibition of incitement to hatred, violence or intolerance, including the denial, trivialisation or advocating of genocide, the Holocaust, crimes against humanity, and war crimes. An amendment to Article 297 which transposed the Framework Decision 2008/913/JHA of the Council of the European Union on combating racism and xenophobia into national legislation,⁶³ provides that the conducts described in that Article are punishable by criminal law only when they are likely to disturb public order or are expressed in a manner which is threatening, abusive or insulting. A legal opinion issued by the Office of the Prosecutor General⁶⁴ interprets the Article to mean that an act of incitement to hatred can be prosecuted as a crime only in a case of concrete danger to the public order. That has led to a significant impunity gap; hate speech is rarely prosecuted in Slovenia because hate speech cases almost never meet the conditions for the imposition of criminal responsibilities.⁶⁵ As an example, the Web Eye Hotline received 1,273 reports on possible hate speech in 2016, just 23 of which were sent to the Police; the Police investigated a total of 49 cases of violations of Article 297 and sent 18 of those cases to Prosecutor; and in 2016 the end result was just one conviction.⁶⁶

However, one promising recent development in hate speech sanctioning is a Supreme Court decision from July 2019,⁶⁷ which ruled in the case of hate speech against Roma⁶⁸ that public promotion of hatred, violence or intolerance is a crime both in cases that may endanger public order and peace, as well as in cases of threatening, abusive or insulting content. This is a precedent in hate speech case law that has actually confirmed that the previous interpretation by the Prosecutor General was incorrect, and as such it may lead to more cases of hate speech actually being prosecuted.⁶⁹

ECRI has commended Slovenia for the Protection against Discrimination Act (PADA),⁷⁰ reporting that it does ensure adequate protection against racism and racial discrimination in all fields of everyday life. PADA defines hate speech in greater detail in Article 10 as any incitement to commit acts of discrimination. However, this is a just a declaratory provision, unfortunately, not one entailing sanctions. PADA provides for the establishment of an equality body, the Advocate of the Principle of Equality,⁷¹ which is a very positive development and is in accordance with the standards recommended by the ECRI GPRs No.

⁶² Kazenski zakonik (Uradni list RS, št. [50/12](#) – uradno prečiščeno besedilo, [6/16 – popr.](#), [54/15](#), [38/16](#) in [27/17](#)), English version - access: <https://www.wipo.int/edocs/lexdocs/laws/en/si/si045en.pdf>

⁶³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008F0913>

⁶⁴ Legal opinion prepared on 27 February 2013 and available at: www.spletno-oko.si/sites/default/files/sovrazni_govor_pravno_stalisce_-_vrhovno_tozilstvo_0.doc

⁶⁵ European Commission against Racism and Intolerance (ECRI) (2019).

⁶⁶ <https://www.spletno-oko.si/sovrazni-govor/kaj-je-sovrazni-govor>

⁶⁷ <https://files.dnevnik.si/2019/SODBA.pdf>

⁶⁸ In February 2011, the accused wrote a hateful comment below an article on Radio Krka's website. The word threat was not explicitly used but the content refers to the use of weapons against the Roma community, in connection with a musical wish in which the singer wonders where all the Roma have gone.

⁶⁹ Articles on this case: <https://www.dnevnik.si/1042894586>, <https://www.rtvslo.si/slovenija/po-novem-kazniv-ze-govor-ali-zapis-ki-sam-po-sebi-predstavlja-groznjo-ali-zalitev/496480>, <https://siol.net/novice/slovenija/vrhovno-sodisce-odlocilo-sovrazni-govor-tudi-ko-javni-red-in-mir-nista-ogrozena-504391>, https://www.dolenjskilist.si/2019/08/08/223315/novice/dolenjska/Pomembna_sodba_Vrhovnega_sodisa_o_sovraznem_govoru_proti_Romom/

⁷⁰ *Zakon o varstvu pred diskriminacijo* (Uradni list RS, št. [33/16](#) in [21/18](#) – ZNOrg), access : <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273>

⁷¹ <http://www.zagovornik.si/>

7 and No. 2. The Advocate's mandate is very much known to the public and it has had to deal mostly with issues involving its budget, staff and administrative support, which has caused a backlog of cases; in addition, there are serious inconsistencies within the PADA concerning the Advocate's competencies and powers regarding inspection services.⁷²

As for hate crimes, ECRI reports that Slovenia is not reporting on this periodically because there is no data to (police use a generic crime reporting form without specific codes for flagging hate crimes). Information-gathering on remedies and their outcomes is also a challenge, since first-instance judgments are not listed in case law (only appealed judgments). However, from the data about violations of Article 20 of the Protection of Public Order Act (violation of a public order with the intention to publicly incite intolerance) it can be seen that annually there are between 41 and 55 such violations (annually they are minimally decreasing while hate speech is increasing).⁷³

⁷² ECRI writes that the Advocate's mandate related to the violation of Article 10 of the PADA – inciting to discrimination – would be an effective remedy against hate speech. However, this remedy would require that the list of punishable acts prescribed by Article 45 of the PADA also include inciting to discrimination. However, the effectiveness of the advocate's new mandate may be hampered by the fact that, when not complied with, this body's decisions will remain mainly declaratory because of its lack of power to oblige the inspectorates to continue the investigation.

⁷³ European Commission against Racism and Intolerance (ECRI) (2019)

LACK OF ETHNICALLY DISAGGREGATED DATA

Definition of the problem

There is a very limited data set on the social situation of the Roma population in Slovenia. More robust data would enable comprehensive planning of targeted policies and measures as well as adequate monitoring of their impact. For example, the number of members of Roma population in Slovenia is estimated between 7,000 and 12,000,⁷⁴ while according to the latest census data from 2002, there are only 3,246 Roma in Slovenia,⁷⁵ which is a huge gap. Another example already given in the [second RCM report on Slovenia](#)⁷⁶ is that the state is not systematically gathering and monitoring data on the school attendance, success rates and early drop-out of Roma children, so it is difficult to evaluate the impact of the Strategy for the Education of Roma or other measures; only Amnesty International Slovenia and the weekly political magazine *Malina* collect this information annually by directly calling schools with Roma students. The MESS does not have an analysis of the situation, no data to work with, but disburses funds to remedy it nonetheless. Even though primary schools employ Roma assistants who help Roma pupils, the state does not officially know how many Roma pupils are reached by the additional learning aid they are paying for, nor how effective it is.

Some Roma-related data are collected in the field of employment through active employment policy measures (as analysed already in the [second RCM report on Slovenia](#)) in the field of spatial planning,⁷⁷ and some data can be obtained directly from social work centres, kindergartens, schools and NGOs.⁷⁸ However, the strategy admits that “We do not have any concrete data that would show progress in the situation of the members of the Roma community and their greater social inclusion since the adoption of the NRIS 2010-2015 until today, and we do not collect such data, in accordance with constitutional provisions and legal norms in the field of personal data protection.”⁷⁹

Background and cause of the problem

Due to a specific interpretation of the Constitution and of the legislation on personal data protection in the context of collecting data on national and ethnic origin, we do not have a lot of data on the Roma population in Slovenia. According to the legislation in force (the *Personal Data Protection Act* from 2004),⁸⁰ data on national or ethnic affiliation is highly-protected, personal information that should not be collected in public records by Government bodies. However, ECRI notes⁸¹ that the EU General Data Protection Regulation⁸² does not prohibit processing data in such a way as to prevent the identification of the data subjects, so the state could find a way to collect these data. In addition, under

⁷⁴ [Government of the Republic of Slovenia. 2010. National Programme of Measures for Roma for the Period 2010-2015. Available at \[https://www.gov.si/assets/vladne-službe/UN/Dokumenti-Romi/35778fa671/Program_ukrepov.pdf\]\(https://www.gov.si/assets/vladne-službe/UN/Dokumenti-Romi/35778fa671/Program_ukrepov.pdf\)](#), page 5.

⁷⁵ [Government of the Republic of Slovenia. Census 2002: \[https://www.stat.si/popis2002/si/rezultati/rezultati_red.asp?ter=SLO&st=7\]\(https://www.stat.si/popis2002/si/rezultati/rezultati_red.asp?ter=SLO&st=7\)](#)

⁷⁶ European Commission (2019)

⁷⁷ https://www.gov.si/assets/ministrstva/MOP/Publikacije/8c3a902c0a/prostorski_problemi_romskih_naselij_elaborat.pdf

⁷⁸ Peace Institute (2018), page 10

⁷⁹ Government of the Republic of Slovenia (2017)

⁸⁰ Personal Data Protection Act 2004: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3906>

⁸¹ European Commission against Racism and Intolerance (ECRI) (2019), page 24

⁸² EU General Data Protection Regulation (EU) 2016/679 <http://data.europa.eu/eli/reg/2016/679/oj>

the International Covenant on Economic, Social and Cultural Rights, in order to measure the impact of policies and plans, governments are obliged to collect data disaggregated according to all prohibited grounds of discrimination, including "race and colour". However, the state continues to take the position that data collection to monitor the situation of ethnic minorities might be discriminatory in and of itself and could contravene provisions of the Personal Data Protection Act and certain Constitutional provisions.⁸³

Since such data are indispensable for the implementation of regulations in individual areas (education, the public works system etc.), it seems that some institutions do not have a problem with collecting and using records on the Roma population. According to the Residence Registration Act,⁸⁴ the Interior Ministry keeps up-to-date population records that include data on the number of Roma in individual municipalities. However, according to those records, a large number of inhabitants decide to remain nationally undefined (identification is voluntary), especially in the Roma communities.⁸⁵ That is also the reason ethnic data collection upon registration of residence was recently abolished.⁸⁶

The Roma community is also aware of the problem of lack of data, and respondents pointed out possible reasons for the low official count of the Roma population. Before the Government issued its new strategy in 2017, Mr Darko Rudaš, member of the State Committee on the Protection of the Roma Community and president of the Forum of Roma Councillors, said: "If we want to get a good new strategy for the Roma, we need as accurate data as possible. If the state's intentions are sincere, I see no obstacles to counting Roma more accurately. For now, however, the count is a reflection of how Roma feel. They do not want to identify themselves as Roma because they do not trust the state. They prefer to hide their identity."⁸⁷

For more than a decade, several NGOs and international bodies have recommended that Slovenia find a way to gather disaggregated equality data: the European Commission,⁸⁸ the EU Council,⁸⁹ the European Commission against Racism and Intolerance (ECRI),⁹⁰ the Council of Europe Commissioner for Human Rights,⁹¹ the Council of Europe Advisory

⁸³ Amnesty International. 2011. *Parallel lives: Roma denied rights to housing and water in Slovenia*. Access: <https://www.amnesty.org/download/Documents/32000/eur680052011en.pdf>

⁸⁴ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6046>

⁸⁵ "Counting Roma. For now, they rather hide their identity". *Dnevnik*, 27. June 2015. Access: <https://www.dnevnik.si/1042715810>

⁸⁶ Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (2018)

⁸⁷ "Counting Roma. For now, they rather hide their identity". *Dnevnik*, 27. June 2015. Access: <https://www.dnevnik.si/1042715810>

⁸⁸ European Commission in its Communication on an EU Framework for National Roma Integration Strategies noted the need to put in place an effective mechanism for monitoring the implementation of actions with clear criteria, which will allow for measuring their real effects.

⁸⁹ The EU Council in its 2013 recommendations also called on Member States to properly monitor and evaluate the effectiveness of national strategies or related sets of policy actions in the context of their wider social inclusion policies.

⁹⁰ European Commission against Racism and Intolerance (ECRI) since 2006 has recommended that the authorities gather disaggregated equality data for the purpose of combating racial discrimination. If necessary, the authorities should propose legislative clarification to ensure that data is collected in all cases with due respect for standards on data protection, including principles of confidentiality, informed consent and voluntary self-identification.

⁹¹ The Council of Europe Commissioner for Human Rights also pointed out that one of the challenges in promoting Roma rights in Slovenia is a lack of data, which makes it more difficult to assess more precisely the needs of the Roma population and the problems they face, as well as to formulate targeted policies. The Commissioner was of the opinion that such data could be obtained while respecting the confidentiality of personal data (Council of Europe, Commissioner for Human Rights, 2017).

Committee on the Framework Convention for the Protection of National Minorities,⁹² the UN Committee on Economic, Social and Cultural Rights,⁹³ etc. However, nothing has changed yet.

Potential policy answer to the problem

Despite the law protecting personal data, ECRI notes that some research projects by NGOs and academia benefiting from public funding have been able to collect some detailed data, anonymised, on vulnerable groups.⁹⁴ This shows that protecting personal data while still collecting disaggregated data is possible, just as data on gender, age, and other characteristics are obtained by the authorities in their censuses or through other means. This practice is also provided for in Article 16 of the PADA,⁹⁵ which foresees the collection of "anonymised" data on the number of discrimination cases according to the individual personal circumstances and forms of discrimination.⁹⁶

There are promising practices in the region that Slovenia could follow. As an evaluation of NPUR notes,⁹⁷ until recently the situation in Croatia in regard to comprehensive data on the Roma population was also poor, but after the evaluation of their NRIS, a project was initiated in which they obtained a comprehensive baseline of data on the current social situation of the Roma population.⁹⁸ At the request of the Croatian Office for Human Rights and the Rights of National Minorities, a "mapping" of Roma settlements and a large-scale survey of a representative sample of the Roma population were conducted in cooperation with the Roma community. The study obtained a more accurate estimate of the number of Roma in Croatia.⁹⁹

Another idea has been proposed by former Information Commissioner Ms Nataša Pirc-Musar, namely, that the Roma population could be counted over the course of a few hours, and right afterwards the raw data could be erased.¹⁰⁰

⁹² Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (2018)

⁹³ In 2014, the UN Committee on Economic, Social and Cultural Rights also expressed concern about the lack of disaggregated data on the effective exercise of the rights of disadvantaged and marginalized individuals and groups, in particular the Roma, under the International Covenant on Economic, Social and Cultural Rights. The committee also called on Slovenia to establish a system for collecting and monitoring such data (UN Committee on Economic, Social and Cultural Rights, 2014: 2).

⁹⁴ European Commission against Racism and Intolerance (ECRI) (2019)

⁹⁵ *Zakon o varstvu pred diskriminacijo (Uradni list RS, št. 33/16 in 21/18 – ZNOrg)*, access : <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273>

⁹⁶ European Commission against Racism and Intolerance (ECRI) (2019)

⁹⁷ Peace Institute (2018)

⁹⁸ Kunac, Suzana, Ksenija Klasnič and Sara Lalič. 2018. Roma Inclusion in the Croatian Society: a Baseline Data Study. Zagreb: Centre for Peace Studies. Access: https://www.cms.hr/system/publication/pdf/109/Roma_Inclusion_in_the_Croatian_Society.pdf

⁹⁹ The survey obtained data on a total of 4758 members of Roma households there (21.2% of the surveyed population). In this way, they obtained baseline data on the situation of the Roma population in the fields of education, employment and inclusion in economic life, health care, social care and housing (Kunac et al., 2018). Based on the data obtained, indicators have been prepared that can be divided into two types. The first is indicators that allow for the monitored implementation of measures (eg number of people involved in individual actions, activities carried out), and the second type of indicators refers to the actual situation of Roma in a particular area of life and measures the effects of measures (eg the proportion of Roma children involved in some form of pre-school education, share of children enrolled in primary school, school achievement, share of Roma employees, share of employees in the private or public sector, share of legal or illegal facilities, share of households with electricity, share of households with water supply, share of households with sewage, etc.). They have also created a website that facilitates and more comprehensively monitors the implementation of the strategy and action plans.

¹⁰⁰ "Counting Roma. For now, they rather hide their identity". *Dnevnik*, 27. June 2015. Access: <https://www.dnevnik.si/1042715810>

RECOMMENDATIONS

Lack of support for Roma youth

1. Research and data collection about the situation and needs of Roma youth are necessary.
2. The NRIS should include Roma youth as a specific target group and develop clear measures responding to the needs of young Roma.
3. There should be more support for Roma high school and university students in terms of guidance, motivation, career orientation, scholarships and accessing dormitories.
4. Specific programmes need to be developed for Roma who fulfil their compulsory schooling but do not complete elementary school.
5. More trainings should be organised for professionals who work with Roma pupils and students.
6. Young, educated Roma should be supported in their professional development and in their participation in civic and public life.
7. Ensure that intersectionality and multiple discrimination is properly addressed and that LGBTQIA+ issues are also tackled.
8. Roma youth should be included in policymaking and in developing and monitoring the NRIS.
9. Encourage Roma youth to establish and participate in both mainstream and Roma youth movements, locally, nationally, and in umbrella organisations.
10. Roma youth organisations should be established, supported in terms of capacity building, and funded.
11. Local Roma youth action plans should be developed by municipalities and should include a Roma youth focus.
12. The NRIS and other policy measures should include disaggregated data by age among their indicators.

Hate speech and antigypsyism

13. Prosecutors and courts should use the new development in case law on antigypsyism and hate speech to punish hate speech as the public promotion of hatred, violence or intolerance both in cases that may endanger public order and peace, and in cases of threatening, abusive or insulting content.
14. Amend the PADA as necessary to provide sanctions for violations of Article 10, give more powers to the Advocate of the Principle of Equality, etc.
15. Raise public awareness about the mandate of the Advocate of the Principle of Equality and allocate more resources to the office.
16. Collect data on hate speech and other forms of antigypsyism as well as disaggregated data on equality as provided by Article 16 of PADA.
17. Hate speech must be categorically condemned by politicians, who have a social responsibility to do so. Politicians should refrain from discrimination, including in speech. Members of Parliament should introduce a Code of Ethics and a tribunal to rule on and sanction hate speech. The state should help strengthen the media's self-regulation initiatives and promote counter-speech.

18. Ensure implementation of and compliance with EU standards and other international instruments (e.g., Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, 28 November 2008; European Code of Conduct on Countering Illegal Hate Speech Online 31.05.2016; Additional Protocol to Cybercrime Convention; Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin) and improve the legal framework against hate speech and other forms of antigypsyism.
19. Organise training for the police, the judiciary and public prosecutors on hate speech and other forms of antigypsyism, as well as on national, European and international standards, including case-law, so they will be able to identify and effectively prosecute hate speech with an anti-Roma motivation.
20. Continue training the Police and other public servants on anti-Roma stereotypes and good practices against ethnic profiling and initiate more training of public servants working with the Roma community.
21. Specific studies should be introduced to collect data on hate speech against Roma online and offline and on other forms of antigypsyism and its impact.
22. A national campaign promoting diversity and a positive narrative about Roma should be organised.
23. Support Roma civil society organisations to monitor hate speech against Roma.
24. IT platforms and the media should address ethnic profiling.
25. Antigypsyism in specific fields (employment, education, housing, health) should be eradicated, as well as the intersectional discrimination faced by Roma women, by studying this problem and developing evidence-based measures to resolve it.

Lack of collection of ethnically disaggregated data

26. Find a mechanism, building on the experiences of other countries like Croatia and in cooperation and close consultation with the Roma community, for systematically gathering anonymised data on the Roma population in Slovenia, with due respect for data protection law.

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