

Slovenia
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and
Travellers

March 2009

Peace Institute, Institute for Contemporary
Social and Political Studies

DISCLAIMER: This study has been commissioned as background material for a comparative report on housing conditions of Roma and Travellers in EU Member States by the European Union Agency for Fundamental Rights. The views expressed here do not necessarily reflect the views or the official position of the FRA. The study is made publicly available for information purposes only and does not constitute legal advice or legal opinion.

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Executive Summary

This thematic study presents an overview of the findings based on the available sources concerning the housing conditions of the Slovenian Roma communities.

The first part of the study, namely the Desk Research section, includes information on relevant legislation and policies that affect the Roma housing situation, as well as available qualitative and quantitative data on other aspects related to Roma settlements, such as; legality and legalisation of settlements, access to public utilities or instances of differential treatment faced by the Roma in the field of housing. Some examples of good practices are presented as well.

With regard to the relevant legislation and policies, the study presents both the general housing, spatial planning legislation, policy documents, and the Roma-specific legislation and policy documents that could have an impact on their situation in the field of housing. It notes, among other things, that pieces of legislation providing for special rights of the Roma, namely the Local Self-Government Act and the Roma Community Act, are limited in their scope of application and do not ensure equal treatment of all Roma communities living in Slovenia. Both acts include a distinction between 'autochthonous' (i.e. traditionally settled) and 'non-autochthonous' (i.e. immigrant) Roma. Only the former are beneficiaries of the existing special measures, including in the area of housing.

In Slovenia, no comprehensive strategic document addressing Roma housing conditions has been adopted so far. Existing programmes follow the wording of the aforementioned acts and only apply to Roma communities which are considered 'autochthonous.' This situation was observed by various international monitoring bodies, which called on the Slovenian authorities to reconsider removing this distinction, as it might be discriminatory.

The current Housing Act, the principle act in the field, stipulates that only Slovenian citizens and EU nationals with permanent residence status shall be entitled to apply for the provision of non-profit rental apartments and housing units.¹ This can have a considerable impact on the housing situation of other groups, including 'non-autochthonous' Roma, who predominantly live in urban environments and of whom many lack citizenship.

According to the last Population Census (2002), 3,246 persons declared themselves as Roma. However, other estimates put the number of Roma between 7,000-10,000.

¹ Housing units are designed as a temporary solution for the most vulnerable groups or individuals who face homelessness or live in extremely difficult conditions.

In general, the available data mirrors the distinction between the 'autochthonous' and 'non-autochthonous' Roma. A great deal of available statistics relate to the former group. The data indicates that the housing situation of practically all Roma communities is unfavourable with marked differences between different regions both in terms of regularity of Roma settlements and access to public infrastructure. For example, a 2007 survey showed that of the 38 settlements in Prekmurje, three settlements had no water supply, compared to 18 out of 57 settlements without water supply in Dolenjska². Similarly, in Prekmurje, there is no settlement without electricity, compared to 24 settlements without electricity in the Dolenjska Region.

Differences also occur in regard to spatial planning. Five Roma settlements are outside designated building areas in Prekmurje compared to 27 in the Dolenjska Region. In terms of ownership, Prekmurje Roma are the majority owners of plots in 18 settlements, while in Dolenjska there are only five settlements where the majority of the plots are owned by the Roma.

The willingness of the owners to sell plots on which Roma settlements are established also markedly differs between regions. For example, in the region of Prekmurje slightly less than 60 per cent of the owners are mostly or partially prepared to sell their land for a possible regularisation of the Roma settlements, while in South-Eastern Slovenia, namely in Dolenjska, Kočevsko, Bela krajina and Posavje, slightly more than 20 per cent of the owners are mostly or partially prepared to do so.

With regard to the provision of both private and non-profit housing, the general situation in the country is relatively unfavourable. Available data shows a considerable lack of non-profit housing. At the same time, research shows that the ratio between the costs of an apartment and the annual income of Slovenians is among the worst compared to several transition countries.

In this context, Roma living in urban centres are especially vulnerable. Since they are considered "non-autochthonous," no specific measures apply to them. In addition, many lack citizenship and are not entitled to apply for non-profit rental housing or housing units. For example, following an eviction, an unemployed Roma woman who was born in Slovenia but lacked citizenship ended up on the street with five children. Some information suggests that at least one such case occurs annually.

At least one case of direct discrimination against Roma in access to private rental housing has also been recorded during the monitoring period. However, the overall extent of such incidents is difficult to assess since as yet no in-depth research has been conducted in Slovenia.

² Including areas of Bela Krajina, Kočevsko and Posavje.

Research also suggests that there are additional relevant aspects related to Roma settlements:

- Land-use problems (settlements are often located in areas that have been designated as agricultural areas or protected water supplies and not as residential areas. Since 1991, there have been several cases of (forced) relocation of Roma settlements).
- Legalisation and ownership problems (related to the issue of denationalisation and to some Roma's poor understanding of legal issues. In one reported case, a Roma family paid for land but failed to sign an ownership contract).
- Infrastructure and facilities (as a consequence of unsolved property issues and spatial planning issues many Roma live in inadequate housing and their settlements are without some basic amenities such as running water and electricity, organised waste removal, sanitary facilities, sewage system, telephone network, road connections).
- Functional disruption of property and modification of landscape (deforestation, environmental pollution, etc).
- Opposition and conflicts between Roma and non-Roma (unresolved issues and prejudice lead to segregation and ghettoisation of Roma settlements, thus further aggravating their prospects of social inclusion, or worse. For example, ghettoisation has led to protests, open conflicts and attempts to drive Roma out of their neighbourhoods or from their land).

In Slovenia, persons whose rights were violated, including victims of racism and discrimination on the grounds of race, ethnic origin or religion may protect their rights by utilising various procedures, depending, for example, of the particularities of a violation or expected results by the victim (e.g. termination of discriminatory practice, claiming of damages, and punishment of the violator).

These include both informal procedures before, for example, the Slovenian Advocate of the Principle of Equality, or the Human Rights Ombudsman, as well as formal procedures with the relevant inspectorates and courts.

The first part of the study concludes with the presentation of some examples of good practice and other major initiatives, including the adoption of the Roma Community Act. This Act provides for special rights of Slovenian Roma, including in the field of housing, and a major government programme, whose purpose is to co-finance projects of construction of basic communal infrastructure in Roma settlements. It must be noted that a majority of these initiatives only targets 'autochthonous' (i.e. traditionally settled) Roma.

Information on the regularisation of the largest Roma settlements in the Municipality of Krško and a Roma settlement in the Municipality of Lendava,

as well as information on two small-scale initiatives in the Municipalities of Metlika and Ljubljana is also provided.

In the second part of this thematic study, a summary of the main findings from five interviews conducted with a representative of the public authorities and persons from the Roma community is presented. The interviewees provided valuable information on the current situation of Roma in the field of housing.

In Annex 1 and 2 of this thematic study, some statistical data related to the housing situation of Slovenian Roma and some examples of case law and complaints relating to the housing of Roma are presented.

1. Desk Research

1.1. Legal and Policy Framework³

1.1.1. Protection of the right to adequate housing in national legislation, both general and Roma-specific

The provision of Article 78 of the Constitution of the Republic of Slovenia⁴ relating to adequate housing states that ‘the state shall create opportunities for citizens to obtain adequate housing.’ This is a general provision that relates to all Slovenian citizens. Contrary to the Universal Declaration of Human Rights and UN International Covenant for Economic, Social and Cultural Rights, the Constitution does not define the right to adequate housing as a human right.

The term ‘adequate housing’ (literal translation: adequate apartment) is defined in Article 10 of the Housing Act.⁵ This act defines an adequate apartment as an apartment located in a multi-apartment building, built in accordance with minimum technical conditions for construction of apartment buildings or apartments, for which an operating permit has been issued in accordance with the provisions on construction of buildings. The apartment has to have a separate sleeping and living area (except in the case of one-room apartments called ‘garsonjera’) and must meet the housing needs of an owner or a tenant and their family members who live with them in a joint household, as well as meeting the minimum surface-per-person norms.

Generally speaking, lease relations are regulated by the Housing Act while purchase of real estate is regulated by the Law of Property Code.⁶ The right to adequate housing of socially deprived individuals who cannot afford to purchase or rent an apartment or a house for market prices (i.e. profit apartments) is protected by the possibility of applying for non-profit apartments,

³ Specific legal provisions regarding segregation have not been introduced in Slovenia. Segregation, as a form of discrimination, may perhaps be covered by the Act Implementing the Principle of Equal Treatment, the major anti-discrimination act in Slovenia. This Act transposes the EU Racial Equality Directive, which prohibits both direct and indirect discrimination. The Act, however, does not include any specific reference to instances of segregation, and so far has not been applied to segregation cases. Thus in the absence of relevant case law, one cannot provide any firm conclusions regarding its possible application to instances of segregation by relevant institutions, including equality bodies and courts.

⁴ Slovenia/SOP 1991-01-1409 (23.12.1991)

⁵ Slovenia/SOP 2003-01-3312 (19.06.2003)

⁶ Slovenia/SOP 2002-01-4360 (27.09.2002)

as defined by the Housing Act. The possibility of renting a non-profit apartment is offered by open calls for applications, organised by municipalities, *Stanovanjski sklad Republike Slovenije* [the Housing Fund of the Republic of Slovenia] and other non-profit housing organisations. In order to obtain a non-profit apartment, certain conditions have to be met by the beneficiaries. General conditions are set out by the Housing Act while specific ones can be added by the organisation that publishes the call (e.g. the minimum period of residing in a municipality).

General conditions for applying for a non-profit apartment as set out by Article 78 of the Housing Act are:

- citizenship of the Republic of Slovenia;
- one of the following categories has priority (as defined by the organiser of the public call): families with more children, families with a lower number of employed members, young applicants and young families, people with disabilities or families with members with disabilities, citizens with a longer working history who do not own an apartment or are sub-leasing one, and applicants with a profession or working in a field important for the local community in question;
- income of the applicants cannot exceed a certain percentage of the average net salary in the Republic of Slovenia;
- the applicant or his or her household members cannot be a tenant of a non-profit apartment for an unlimited period of time;
- the applicant or his or her household members must not own another apartment or apartment building, except if it is rented out for an unlimited period of time and for a non-profit rent.

Housing units are designed as a temporary solution for the most vulnerable groups or individuals who are homeless or live in extremely difficult conditions. Housing units are not apartments but are usually rooms with common bathrooms, toilets and kitchens. Their area is small and they do not meet the minimum standards set for apartments. Housing units are usually provided by the state, municipalities, the Housing Fund of the Republic of Slovenia, or non-profit housing organisations (the providers). They are allocated to beneficiaries on the basis of a waiting list (Article 88 of the Housing Act). When a new housing unit is available the provider reviews the eligibility and rents it out to a beneficiary whose social situation is the worst, provided that the available space is adequate for the number of family members.

1.1.1.1. Protection against forced evictions, including the provision of alternative accommodation in cases of forced evictions, both general and Roma-specific

Forced evictions (from an apartment or a house) can only be ordered by a final court judgement. Other bodies, such as inspectorates do not have the legal authority to order an eviction. Eviction represents an interference with property rights and such interference can be made only if a legal basis for that is provided in the law. A person cannot be evicted from their own legally-owned property (except in cases of prior expropriation); such action would interfere with their constitutional property rights.

Forced eviction from rented apartments is regulated by the Housing Act. It can only occur as a consequence of a termination of a lease agreement. In accordance with Article 103 of the Housing Act, a lease agreement can be terminated by the apartment owner due to fault reasons. Fault reasons, as stipulated by Article 103 of the Housing Act, are, for example, if the tenant or persons living with him or her cause serious damage to the apartment or common area of the apartment building; if the tenant does not pay the rent or expenses which are to be paid besides the rent, in the time limit set by the lease, or, if it is not set, in 60 days from receiving the bill; if the tenant or persons living with him or her by using the apartment often seriously violate the basic rules of neighbourly co-habitation set by house order; or by using the apartment seriously disturb other residents.

Lease cannot be terminated by lawsuit without prior written notice by the owner to the tenant. The notice has to specify the violation and has to offer an appropriate time limit for elimination of the violation. The time limit cannot be shorter than 15 days.

Leases for profit apartments can also be terminated for other reasons as defined in the lease.

It is not possible to terminate the lease of a non-profit apartment if due to exceptional circumstances the tenant or persons who also use the apartment, and which the tenant could not influence (death in the family, loss of employment, serious illness, natural disasters etc.), could not pay the rent and other expenses and at least 30 days after these circumstances occurred. Within these 30 days, the tenant must initiate a procedure for subsidised rent and the procedure for social assistance for the apartment. Moreover, the apartment owner (Article 104 of the Housing Act, paragraph 1) must be informed that such procedures have been initiated. If the tenant could not inform the owner for justified reasons, he has to do so in 30 days after these circumstances have ceased to exist (paragraph 2). The municipal body competent for housing issues may approve temporary extraordinary financial assistance for the apartment to the tenant who, in spite of subsidies, is not capable of paying the rent and other expenses

(paragraph 3). In case of circumstances which indicate a long-lasting inability to pay the rent or other expenses, the municipality can move the tenant into another appropriate non-profit apartment, even if it is smaller than the previous apartment, or into an apartment building intended for temporary solutions for housing needs of socially-deprived persons (paragraph 4). These are the so-called housing units mentioned above, which can also be allocated in cases of forecasted forced eviction when a family or an individual is facing homelessness. The provision of paragraph 4 is not in place for profit apartments.

The lease agreement can be terminated for other reasons not defined in the law or the agreement itself only if the apartment owner ensures a replacement apartment for the tenant (Article 106 of the Housing Act, paragraph 1). The tenant's situation in such a case must not worsen, which means that the replacement apartment cannot offer essentially worse living conditions in comparison to the previous apartment (paragraph 2).

In accordance with Article 112 of the Housing Act, the lease may be terminated with at least 90 days notice. The owner may not demand that the tenant moves out before reimbursing the tenant's investments, as required by law. In case of a dispute, the lease or sublease is terminated with a lawsuit before a civil court. The court sets a time limit for moving out of the apartment, which cannot be shorter than 60 days and not longer than 90 days. These disputes take priority in court deliberations. The owner cannot terminate the lease if the tenant proves that the faults did not occur due to the tenants.

As it derives from other parts of this report, there are many Roma settlements in Slovenia which have been built irregularly, without previously issued construction permits and on e land which is not legally owned by the people who build on it. In such case, there are two different procedures in place.

The removal of the families or individuals from land which is not owned by them can only be done on the basis of a court decision. In the case of forced evictions which are not based on court decisions, the residents of such camps or buildings have the right to file a lawsuit due to trespass, in accordance with Article 32 of the Law of Property Code. Such a lawsuit can be filed with 30 days after of the possessor learning about the trespass or within one year of the trespass occurring. Such legal protection has its basis in the notion of 'possession,' which is a 'direct actual authority over an item or land' (Article 24 of the Law of Property Code). In this procedure the court offers protection taking into account the last situation of the possession. If the court finds that trespass occurred, it can order a return of possession and prohibit trespassing in the future (Article 34 of the Law of Property Code). Even a possessor who obtained possession with force, secretly or by abuse of trust, has the right to judicial protection, except against a person from whom the possessor got the possession (e.g. the legal owner who before that also held possession), if this person is executing self-help (Article 33 of the Law of Property Code). In

general, self-help is forbidden, except in the case of self-help as defined in Article 31 of the Law of Property Code. Namely, the possessor has the right to self-help against a person who unjustifiably trespasses on his possession or takes it away from him, provided that the danger is imminent, that self-help is immediate and urgent, and that the manner in which self-help is executed is appropriate concerning the present danger.

The question of how long the possessor has to have the land in his possession to be considered a possessor is hard to specify. Namely, when establishing the possession, the court will take into consideration all elements of possession which will all have to be fulfilled, and the time element is only one of them.

The proceedings in situations of unregulated construction are regulated in the Construction Act.⁷ Article 3, paragraph 1 of this Act stipulates that construction of a building can only begin on the basis of a final construction permit. The inspectorate competent to oversee compliance with the Construction Act, is the *Inšpekcija za prostor* [Spatial Inspectorate], organised within the *Ministrstvo za okolje in prostor Republike Slovenije* [the Ministry of the Environment and Spatial Planning of the Republic of Slovenia]. Accordingly, Article 152 of the Construction Act specifies the inspection measures, stating that in the case of unregulated construction, the competent construction inspector orders that the construction is immediately stopped and that the already built building or its part is removed within a certain time limit at the cost of the offender. The inspector can also order that the site be put back to reflect its previous condition or that damage is repaired if the previous condition cannot be established. In accordance with Article 158 of the Construction Act, in his decision the inspector may also prohibit the use of the building, connection of the building to public infrastructure,⁸ changes in the land registry, selling the building or the land below it, or concluding other contracts such as credit contracts or leases. Furthermore, Article 179 of the same act specifies that the financial fees are to be paid by the offenders for a misdemeanour of construction without a construction permit. The fee prescribed for an individual who constructs a building without a previously issued construction permit, is from 417 EUR to 1,250 EUR.

If the offender does not respect the decision of the Spatial Inspectorate, the Inspectorate can initiate forced removal (demolition) of the building in accordance with the rules in the General Administrative Procedure Act,⁹ defining execution of administrative decisions (Article 288 of this Act). The competent body for execution of the decision is the same body which issued the decision – the Spatial Inspectorate. In addition, forced removal can also be performed by other authorised individual or bodies (Article 289). In order to begin the procedure, the Spatial Inspectorate issues a decision which defines the

⁷ Slovenia/SOP 2002-01-5387 (29.11.2002)

⁸ Accommodation built without required permits cannot be legally connected to public utilities.

⁹ Slovenia/SOP 1999-01-3777 (16.09.1999).

facts, the moment the decision became executable, and the manner of execution. The decision can be appealed in 15 days. Furthermore, a judicial review can be sought before the Administrative Court within 30 days of receiving a negative decision upon appeal, in accordance with the Administrative Disputes Act.¹⁰

In cases of unregulated camping, different rules apply. The Spatial Inspectorate is not competent to order removal of a tent since a tent is not a building. Moreover, the communal inspectorate is not competent for removing barracks since there is no legal basis for that. In Judgement No I Up 233/2003 of 23 February 2006 the Supreme Court confirmed the judgement of the Administrative Court, which ruled that the measure issued by the communal inspectorate which lead to the destruction of a barracks and the removal of a Roma camp from the property of a municipality did not have any basis in law. A legal basis was required since such a measure represents interference with the property rights of the plaintiff (a Roma woman). In such a case, the owner can either use self-help, provided that conditions for it are met, or file a lawsuit and claim the eviction of such dwellers.

1.1.1.2. Laws and regulations of relevance to housing affecting Roma (such as territorial planning laws, security laws, tenancy eviction laws, legislation on social housing, laws and regulations defining overcrowding, etc.)

Spatial planning is of great importance for the future of unregulated Roma settlements. In Slovenia, there are two main types of spatial plans: state spatial plans and municipal spatial plans (when regions are established there will also be regional spatial plans). Spatial plans define what type of land, construction and infrastructure does the state or municipality need. Therefore, spatial plans are indirectly of great importance for Roma settlements in both rural and urban areas. The procedure to adopt spatial plans is defined in the Spatial Planning Act.¹¹ According to this act, a municipality has to adopt a Strategy for spatial development of a municipality in which the municipality can set out plans to invest into degraded urban settlements (which can also be Roma settlements). The authority to improve the living conditions in Roma settlements is therefore legally with both the state and municipalities. However, the main role of the state is to assist the municipalities with strategies, plans and financial programs, while it is on the municipality to apply for funds (e.g. at the Ministry of Environment and Spatial Planning), ensure the legalisation of settlements and the improvement of the communal infrastructure. For that purpose, the municipalities are eligible to obtain resources on public calls for tenders,

¹⁰ Slovenia/SOP 2006-01-4487 (28.09.2006).

¹¹ Slovenia/SOP 2007-01-1761 (30.03.2007).

however, it is up to them if they take advantage of them or not. The responsibility of the municipalities related to spatial planning is also defined in Article 21 of the Local Self-Government Act.¹²

Municipal spatial plans can also be a legal basis for legalisation of Roma settlements. Such an example is the amended spatial plan of the municipality of Krško in 2002. On the basis of the amended spatial plan the municipality purchased the land on which the Roma settlement was built. The land was purchased from its legal owners, mostly farmers who obtained compensation for the land. The land was then sold to the Roma families on the basis of more lenient conditions, including a lower price. At the same time, the spatial plan foresaw construction of infrastructure (water, electricity and sewage systems) and roads.

In theory, the municipality can also adopt a spatial plan in which the area where a Roma settlement is located is foreseen for another purpose. However, if the Roma residing in such a settlement do not want to move from there, the municipality can only proceed with forced evictions on the basis of court decisions. In the case when no other area is foreseen for a new Romani settlement, the evicted Roma would be facing homelessness. In this case there is no right to adequate housing they could invoke. Assuming that they could not afford to rent a profit apartment, their housing situation depends on eligibility for non-profit apartments or availability of housing units.

The Environmental Protection Act¹³ in Article 24 specifies the possibility for the government to define with regulations a certain area as a 'degraded area', which means that such an area is heavily environmentally burdened and raises environmental concerns. In such regulations it can set up a program of measures to improve the quality of the environment. These provisions could also be enacted in case of environmentally challenging conditions in some Roma settlements.

Another act which is of great importance for Roma is the Water Act.¹⁴ In accordance with Article 74 of this Act, the Government of the Republic of Slovenia can establish a 'water protection zone'. When a zone is established, a special water protection regime can be introduced, meaning that certain interventions in the area can be forbidden. Such prohibitions can relate to building and other spatial interventions, performing certain activities or transfer of people and goods (Article 76 of Water Act). Furthermore, property rights in such an area can be limited or withdrawn if the stated prohibitions do not suffice to protect the water quality. These rules were invoked in the case of a Roma family which was removed by the state from their own property in 2006 after a mob demanded their removal. The state justified the removal with the

¹² Slovenia/SOP 1993-01-2629 (21.12.1993).

¹³ Slovenia/SOP 2004-01-1694 (31.03.2004).

¹⁴ Slovenia/SOP 2002-01-3237 (12.07.2002).

fact that the land had been marked as a water protection zone. However, previous to the eviction, no expropriation procedure has been carried out.

1.1.1.3. Laws and regulations dealing with specific issues concerning the housing of Roma (such as the regulation of halting sites, regulation of mobile homes, etc.

Article 18 of the Protection of Public Order Act¹⁵ defines camping in an area not foreseen for this purpose as a misdemeanour, and prescribes a punishment of about 83 EUR for those who would violate this provision (paragraph 1). Furthermore, in paragraph 2 stipulates that self-managing local communities can also adopt their own regulations and set conditions, areas and rules for camping on their territories. On the basis of this legal provision, municipalities consequently adopt their own regulations concerning camping. One such example is the Protection of Public Order Ordinance of the Municipality of Ivančna Gorica,¹⁶ which states in article 6 that with the purpose of protection of the community and property it is forbidden to, inter alia cause a general fire hazard in meadows, fields, green fields, recreational areas, woods; nor is it allowed for this reason to camp in public areas which are not foreseen for that purpose, or on private land without the consent of the owner or possessor. Public ordinances of the municipalities of Semič and Brežice further state that it is forbidden to sleep at night on public lands of the municipality.¹⁷

1.1.2. Specific Protection of Roma Rights in National Legislation

At the Constitutional¹⁸ level, Article 65 only stipulates that the status and special rights of the Slovenian Roma community shall be regulated by law. On 30 March 2007 the Slovenian Parliament passed the Roma Community Act.¹⁹ The Act entered into force on 28 April 2007, and represents a framework act concerning the Roma population living in Slovenia. The Act obliges the Republic of Slovenia to create conditions for Roma inclusion in the Slovenian education system, the improvement of their educational achievements, and to devote special attention to employment, vocational education and training of the Roma. The state authorities also encourage the preservation and development of the Romani language as well as cultural, information dissemination and publishing activities of the Roma community. The Act also stipulates the

¹⁵ Slovenia/SOP 2006-01-2998 (22.06.2006).

¹⁶ Gazette 104/2008 (3.11.2008).

¹⁷ See, e.g., Local Gazette of Municipality of Semič 122/2008 (24.12.2008) and Local Gazette of Municipality of Brežice 61/1996 (4.11.1996).

¹⁸ Slovenia/SOP 1991-01-1409 (23.12.1991).

¹⁹ Slovenia/SOP 2007-01-1762 (30.03.2007).

establishment of a special body, namely the Council of the Roma Community of the Republic of Slovenia, which represents interests of the Slovenian Roma in relation to the state bodies. According to the Act, the government is obliged to annually report to the Parliament on the implementation of the law. The Act also stipulates that both the state and local authorities shall provide for the improvement of the Roma housing situation.

The description of the relationship between the state and municipalities is included in Article 5 of the Roma Community Act, which stipulates that state bodies and bodies of self-governing local communities ensure conditions for regulating the spatial problems of Roma settlements and for the improvement of living conditions of the members of Roma community (paragraph 1). The regulation of such spatial problems is realised by designing appropriate spatial plans. These spatial plans are, in accordance with the legal provisions in the field of spatial planning, considered as spatial plans of local importance or as spatial plans of state importance if the city or municipal council on whose territory such planning is necessary, passes the initiative to the government or if the government adopts such a decision on its own (paragraph 2). The government may adopt such necessary measures for regulation of conditions on its own initiative if the lack of legal and infrastructural regulation of Roma settlements in a self-governing local community leads to a serious threat to health, long-lasting disturbance of public order or a permanent threat to environment. In such a case the government may intervene with a state spatial act in the territory of any municipality, and on a primary basis in the territory of a municipality that did not fulfil its obligations as explained in the previous paragraph. The procedure used for the preparation and adoption of such a spatial act is a shortened procedure as defined by rules in the field of spatial planning (paragraph 3). The resources for implementation are ensured in the state budget of the Republic of Slovenia.

According to Article 6, the government shall adopt, in co-operation with local authorities and *Svet romske skupnosti Republike Slovenije* [the Council of the Roma Community of the Republic of Slovenia], a programme of measures with the purpose of implementing special rights of the Roma living in Slovenia.²⁰ In addition, the Roma Community Act includes provisions, namely Article 7 and 9, providing for the establishment of working bodies monitoring the situation of the Roma in all the municipalities which are obliged pursuant to the Local Self-Government Act²¹ to have an elected Roma councillor on their councils, as well as for the establishment of the Council of the Roma Community of the Republic

²⁰ It is worth mentioning that public authorities failed to respect the deadline for the adoption of the programme of measures defining tasks to be undertaken by relevant national and local bodies regarding the implementation of the Act, and so far no programme of this kind has been adopted.

²¹ Other municipalities where the Roma live which are not listed in the Local Self-Government Act may also establish relevant bodies if they wish to do so. One such example is the Municipality of Maribor, which established such a commission, although it was not mandatory by law.

of Slovenia, which represents interests of the Slovenian Roma in relation to the state bodies. While no comprehensive assessment of the work of the bodies in question has been done so far, some information suggests that they can play a role in discussing and arranging matters of relevance for the Slovenian Roma communities, including matters in the field of housing.²²

With a view to criminal provisions, the new Penal Code,²³ which entered into force in November 2008, stipulates that whoever publicly commits any of the offences under Articles 158-160 (i.e. insult, defamation and injurious accusation) of the Penal Code against the Slovenian people or against the Hungarian or Italian national communities, or against the **Roma** community living in the Republic of Slovenia, shall be punished by a fine or by imprisonment of not more than one year.²⁴

Another important piece of legislation is the Local Self-Government Act.²⁵ Following a decision by the Constitutional Court,²⁶ the Act was amended in 2002²⁷ to provide for the political representation of the Slovenian Roma at the local level, namely for elections of Roma councillors in 20 municipality councils²⁸ where Roma communities are considered autochthonous.²⁹

²² Some of the individuals with whom the interviews for the purpose of this thematic study were conducted, provided this information.

²³ Slovenia/SOP 2008-01-2296 (20.05.2008).

²⁴ It is also worth mentioning that, although not specifically related to the Roma, the Act in question includes important general provisions under Article 131 and Article 297, which provide for the prohibition of, among other things, racially motivated discrimination and incitement to racial hatred, strife or intolerance, respectively.

²⁵ Slovenia/SOP 1993-01-2629 (21.12.1993).

²⁶ Slovenia/Ustavno sodišče/U-I-416/98-38 (22.03.2001).

²⁷ Slovenia/SOP 2002-01-2484 (30.05.2002).

²⁸ The Act lists the following municipalities obliged to elect a Roma to the municipal council: Beltinci, Cankova, Črenšovci, Črnomelj, Dobrovnik, Grosuplje, Kočevje, Krško, Kuzma, Lendava, Metlika, Murska Sobota, Novo mesto, Puconci, Rogoševci, Semič, Šentjernej, Tišina, Trebnje and Turnišče. So far, only the Municipality of Grosuplje has failed to comply with this provision.

²⁹ It must be noted that the distinction between autochthonous and non-autochthonous is not defined legally. However, relevant programmes of measures aimed at improving living conditions of Roma are only introduced in areas where the Roma are considered autochthonous, thus putting 'non-autochthonous' Roma at a disadvantage. While 3,246 persons declared themselves as Roma in the 2002 Population Census, some estimates indicate that between 7,000- 10,000 Roma live in Slovenia. (See: Slovenia/Vlada Republike Slovenije (2004), *National Action Plan on Social Inclusion (NAP/inclusion) (2004 – 2006)*, p.19, available at:

http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/nap_incl_2004_si_en_versi_on.pdf (31.03.2009)). Of these, 2,500-3,000 are thought to be non-autochthonous, according to one estimate (see: J. Dedić (2003) 'The Erasure: Administrative Ethnic Cleansing in Slovenia', in: *Roma Rights*, No. 3, pp. 17-25, available at: <http://www.errc.org/cikk.php?cikk=1109> (31.03.2009)), while another estimate suggests that around 60 per cent are not autochthonous (see: M. Tratar et al. (2003), *Report on Measures to Combat Discrimination in the 13 Candidate Countries (VT/2002/47): Country Report Slovenia*, available at:

Furthermore, the Promotion of Balanced Regional Development Act³⁰ lists among its goals the development of the Roma settlements in the Republic of Slovenia.³¹

1.1.3. Legislative or administrative decisions regarding "ethnic" data collection relating to the collection of housing related data identifying racial/ethnic origin

In Slovenia, the processing of personal data is governed by the Personal Data Protection Act.³² According to the Act, data on racial, national or ethnic origin, as well as data on religious beliefs are considered sensitive, and could only be collected in accordance with the Act in question.³³

<http://www.migpolgroup.com/multiattachments/2250/DocumentName/SLOVENIAFinalEN.pdf> (31.03.2009), p. 15.

³⁰ Slovenia/SOP 2005-01-4020 (04.10.2005).

³¹ Specific provisions related to Slovenian Roma are also included in several acts regulating the field of culture and media. For example, the Librarianship Act stipulates that general libraries in the nationally mixed regions should ensure library services intended for, among others, Roma communities, and should ensure communication in the language of relevant communities, including the Roma. Additionally, Article 65 of the Exercising of the Public Interest in Culture Act stipulates that the state shall provide funds for cultural programmes and projects aimed at the Roma community. With respect to the media, Article 4 of the Media Act sets out the implementation of public interest in the field of media, stipulating that the Republic of Slovenia supports the media in dissemination of programming important inter alia for the Slovenian Roma community. Also, according to Article 78 of the Act in question, a radio or television station may obtain the status of a media of public importance if, among other things, it disseminates programming on the lives and work of the Roma community and is receivable in the areas where Roma live. Moreover, Article 3 of the Radio and Television Act of Slovenia stipulates that the public service of the media in question, which is the institution of special cultural and national importance, shall also include broadcasts for the Roma community. In addition, according to Article 4 of the Act, the public service shall facilitate the objective public informing of, among others, the Roma community living in Slovenia.

³² Slovenia/SOP 2004-01-3836 (15.07.2004).

³³ The Act stipulates that sensitive personal data may be processed in the following cases:

- (1) if the individual has given explicit personal consent for this; such consent as a rule being in writing, and in the public sector provided by statute;
- (2) if the processing is necessary in order to fulfil the obligations and special rights of a data controller in the area of employment in accordance with a statute, which also provides appropriate guarantees for the rights of the individual;
- (3) if the processing is necessarily required to protect the life or body of an individual to whom the personal data relates, or of another person, where the individual to whom the personal data relates is physically or contractually incapable of giving his consent pursuant to subparagraph 1 of this Article;
- (4) if they are processed for the purposes of lawful activities by institutions, societies, associations, religious communities, trade unions or other non-profit organisations with political, philosophical, religious or trade-union aims. However, only if the processing concerns their members or individuals in regular contact with them in connection with such

In practice, data disaggregated along ethnic lines is not collected in Slovenia. For example, in its last report on the situation in Slovenia, ECRI noted 'that the issue of collecting data broken down by religion, language, nationality and national or ethnic origin in order to monitor discrimination and disadvantage has not yet generated a debate in Slovenia involving all the relevant actors (including *Statistični urad* [Statistical Office], the data protection agencies, research institutes and minority groups) on the needs to be met and the modalities of such a process.' In addition, ECRI called on the Slovenian authorities to improve data collection mechanisms for monitoring the situation of ethnic minority groups in different spheres of life. Regarding this recommendation, the Slovenian authorities stated in their response that such an undertaking might be discriminatory in itself and could be problematic in terms of personal data protection, and also might run contrary to certain Constitutional provisions.³⁴

1.1.4. General public policy on housing (e.g. action plans and strategies) targeting specifically the Roma housing situation, on national, regional and local level

In Slovenia, no comprehensive strategic document addressing the Roma housing situation has been adopted so far. However, a number of policy documents which were produced in the monitoring period or earlier, include some references to the Roma housing situation. In general, practically all relevant documents regard the Slovenian Roma as one of the groups most vulnerable to social exclusion, including in the field housing. For example, *Program ukrepov za pomoč Romom v Republiki Sloveniji* [the Programme of Measures for the Assistance to Roma],³⁵ the first government document addressing the problems of (autochthonous) Roma, noted that the Slovenian

aims, and if they do not supply such data to other individuals or persons of public or private sector without the written consent of the individual to whom they relate;

(5) if the individual to whom the sensitive personal data relate publicly announces them without any evident or explicit purpose of restricting their use;

(6) if they are processed by health-care workers and health-care staff in compliance with a statute for the purposes of protecting the health of the public and individuals and the management or operation of health services;

(7) if this is necessary in order to assert or oppose a legal claim;

(8) if so provided by another statute in order to protect the public interest.

³⁴ ECRI (2007) *Third Report on Slovenia*, pp. 28-29, 46-47, available at: http://hudoc.ecri.coe.int/XML/ENGLISH/Cycle_03/03_CbC_eng/SVN-CbC-III-2007-5-ENG.pdf (16.03.2009).

³⁵ Slovenia/Vlada Republike Slovenije (1995), *Program ukrepov za pomoč Romom v Republiki Sloveniji*, pp. 1-2, available at: http://www.uvn.gov.si/fileadmin/uvn.gov.si/pageuploads/pdf_datoteke/Romi_1995.pdf (31.03.2003).

Roma represents a vulnerable population which cannot escape poverty. The situation is characterised by discrimination without organised support. With regard to housing issues, the programme stated that the Ministry of the Environment and Spatial Planning shall, in its future activities related to allocation of funding, pay specific attention to the special needs of local communities in locations inhabited by the Roma, and shall ensure expert and material assistance in the preparation of spatial and related implementing documents for the regulation of Roma settlements to the municipalities where the Roma live. In addition, the municipalities which have non-profit housing organisations in place shall have the possibility to take part in public tenders issued by the Housing Fund of the Republic of Slovenia.

With regard to the current general housing policy, the key elements of the housing policy are threefold, i.e. non-profit rental housing, Housing Fund loans and saving schemes, and rent subsidies, and were laid out in the 2000 *Nacionalni stanovanjski program* [National Housing Programme].³⁶ Citizens of Slovenia, and as of May 2004, citizens of EU member states with permanent residence in Slovenia are eligible for any of these.. This principle document in the field of housing also noted that the Roma are among groups with special needs in the field of housing. In addition, the document stated that the Housing Fund of the Republic of Slovenia, a body established on the basis of the Housing Act to facilitate the implementation of the National Housing Programme, shall support undertakings by municipalities allowing for the permanent solution of Roma housing problems, and which, at the same time, improve housing conditions of the non-Roma population living in the vicinity of Roma settlements.

Also, according to *Strategija prostorskega razvoja Slovenije* [the Spatial Development Strategy of Slovenia], a national strategic spatial planning document adopted by the National Assembly in 2004, the relevant stakeholder in the field of settlement development shall provide advice to the municipalities in which the Roma live in relation to the planning and management of Roma settlements.³⁷

Furthermore, the 2004 National Action Plan on Social Inclusion, ascertains that the ‘housing conditions for Roma are in general considerably worse than for the rest of the population. In some communities, unsuitable residential buildings are still in use, without sanitation, electricity, water mains, sewage systems or waste removal,’ and sets as an objective ‘to tackle the problem of Roma settlements - help from municipalities and the state for purchase of land (where this is

³⁶ Slovenia/SOP 2000-01-1985 (10.05.2000).

³⁷ Slovenia/SOP 2004-01-3397 (18.06.2004), available at:
http://www.mop.gov.si/fileadmin/mop.gov.si/pageuploads/publikacije/drugo/en/sprs_eng.pdf
(31.03.2009).

needed) and legalisation of existing buildings, plus the provision of appropriate infrastructure.’³⁸

In a similar vein, the National Report on Strategies for Social Protection and Social Inclusion 2006-2008, produced within the framework of the Open Method of Coordination, considered the Roma as one of the vulnerable groups ‘potentially facing a higher degree of risk of social exclusion and poverty’ due to, among other things, their poor housing conditions.³⁹ Similarly, the last document produced within this framework noted that Roma are among the most vulnerable groups, and that problems of these groups often overlap and should be addressed by a combination of various policy measures (e.g. in employment, in the field of housing and social and health care services). In addition, the report also described relevant recent activities such as the establishment of an expert group, which produced a document related to the Roma housing situation, as well as two programmes of co-financing of detailed municipality plans for the regulation of Roma settlements and a basic public utility infrastructure in these settlements respectively.⁴⁰

Also, the Operational Programme for Strengthening Regional Development Potentials for Period 2007-2013, a part of the package of documents related to the implementation of the EU cohesion policy in Slovenia in the given period includes a reference to the Roma settlements. According to the document, one of the goals is also ‘development of areas of both autochthonous national minorities and the Roma settlements in the Republic of Slovenia.’⁴¹

As with the state level, no strategic documents related to the Roma housing situation have been adopted at the local level.⁴² In general, the competency to adopt relevant spatial plans enabling the regularisation of the Roma settlements, which is one of the principle problems, lies predominantly with the

³⁸ Slovenia/Vlada Republike Slovenije (2004) *National Action Plan on Social Inclusion (NAP/inclusion) (2004 – 2006)*, p.20, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/nap_incl_2004_si_en_verseon.pdf (31.03.2009).

³⁹ Slovenia/Ministrstvo za delo družino in socialne zadeve (2006), *National Report on Strategies for Social Protection and Social Inclusion 2006-2008*, p. 8, available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/npsszsv_06_08_an_vsebina.pdf (31.03.2009)

⁴⁰ Slovenia/Ministrstvo za delo družino in socialne zadeve (2008), *National Report on Strategies for Social Protection and Social Inclusion 2008-2010*, p. 7, 18, available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/npsszsv08_10_en.pdf (31.03.2009)

⁴¹ Slovenia/Služba Vlade Republike Slovenije za lokalno samoupravo in regionalno politiko (2007), *Operational Programme for Strengthening Regional Development Potentials for Period 2007-2013*, p. 98, available at: http://www.svlr.gov.si/fileadmin/svlr.gov.si/pageuploads/KOHEZIJA/Programski_dokumenti/OP_Strength_regional_dev_potentials_FINAL.pdf (31.03.2009)

⁴² According to the available data, the Municipality of Novo mesto is currently preparing a strategic document with the purpose of addressing the housing situation of the Roma living in the municipality in question.

municipalities (e.g. changes in the status of the land on which the Roma settlements have been established, namely from, for example, agricultural to residential land). With regard to spatial planning issues and the regularisation of the Roma settlements, the picture varies between regions and between areas within regions (Please see Paragraphs 104-106 of this thematic study and the relevant tables in Annex 1). Currently, Slovenian municipalities are preparing spatial plans in accordance to the new Spatial Planning Act adopted in 2007. This can serve as a useful tool in regularising Roma settlements in terms of spatial planning,⁴³ as well as being an indicator showing commitment by the relevant local authorities towards improving living conditions of members of the Slovenian Roma communities.

1.1.5. 'Positive action' measures to improve the housing situation of Roma

The general situation of the Slovenian Roma in the field of housing is still unfavourable and considerably worse in comparison to average population. The recent years, however, saw some improvement in comparison, for example, with the first half of the current decade. One example is the adoption of the Roma Community Act, which sets out, among other things, special rights of the Roma living in Slovenia; and the obligations on the part of public authorities regarding the improvement of the situation of Roma in various fields, including improvement in the field of housing. According to Article 5 of the Act, state bodies and local self-government bodies ensure the conditions for the regulation of the spatial issues in Roma settlements and the improvement of the housing situation of the Roma community. In addition, the Act provides, among other things, for the participation of representatives of the Roma communities in preparation of documents which may affect the Roma.⁴⁴

⁴³ In Slovenia, the irregularity of Roma settlements appears at two levels: at the level of the status of the land (regulated by local spatial regulations), where the accommodation is built on non-building land, and at the level of administrative permits (issued to individual investors), where the accommodation is built on building land, but without the required permit. The spatial regulation therefore represents the first step towards full regularisation of the settlements. Building permits for irregular accommodation may only be issued upon the adoption of relevant spatial plans. In addition, the permit is the pre-condition for access to public utilities.

⁴⁴ One must note, however, the limits of the Act. One of its principle problems is that it reproduced the current division between 'autochthonous' and 'non-autochthonous' Roma, and therefore, failed to address the needs of the Roma living in Slovenia who are considered recent immigrants and 'non-autochthonous.' Also, it is worth mentioning that public authorities failed to respect the deadline for the adoption of the programme of measures defining tasks to be undertaken by relevant national and local bodies regarding the implementation of the Act. So far no programme of this kind has been adopted.

Also, in July 2005, the government adopted the *Izvedbeni program pomoči občinam pri urejanju najnujnejše komunalne infrastrukture v romskih naseljih* [the Implementation Programme of Assistance to Municipalities in Solving Urgent Communal Infrastructure in Roma Settlements].⁴⁵ The programme is based on previous tenders issued by the *Ministrstvo za gospodarstvo* [the Ministry of the Economy] and *Javni sklad RS za regionalni razvoj in ohranjanje poseljenosti slovenskega podeželja* [the Public Fund of the Republic of Slovenia for Regional Development and Preservation of the Settlement of Slovenian Rural Areas] in 2002 and 2004 respectively. The purpose of the programme was to co-finance projects to construct basic communal infrastructure in Roma settlements, and was further implemented by *Služba vlade za lokalno samoupravo in regionalno politiko* [the Government's Office for Local Self-Government and Regional Policy]. In comparison to the two previous tenders, government funds allocated in the framework of Implementing Programme 2005 and the two calls in 2007 and 2008 more than doubled, and the number of municipalities which obtained funds rose by almost 100 per cent. The projects supported within the programme framework include, amongst others, the construction of access roads to Roma settlements, the electrification of Roma settlements, the construction of waterworks and sewage systems and the purchase of land with the purpose of the regularisation of Roma settlements. The programme and the two additional tenders represent the major government initiative in this respect.⁴⁶

Also, following a much publicised case of the forcible removal of a Roma in October 2006, the Minister of Environment and Spatial Planning set up a group of experts, namely the Expert Group for Solving Spatial Issues in Roma settlements, tasked with undertaking activities aimed at the improvement of the housing situation of the Roma community in Slovenia. The tasks of the Expert Group include, among other things, detailed acquaintance with and analysis of the problems related to the housing conditions in Roma settlements in Slovenia. At the end of 2007, the Expert Group produced an overview of main findings and suggested the next steps regarding the situation in Roma settlements.⁴⁷

With regard to the local level, an interesting small-scale initiative, entitled *Romi za Rome* [Roma for the Roma], has been implemented in the Municipality of Metlika from 2000. The project, carried out within the public work scheme, addressed unemployment of Roma people and at the same time provided for tidying up the Roma settlements. In 2002 and 2003, a house was built for a

⁴⁵ Slovenia/Vlada Republike Slovenije (2005), *Izvedbeni program pomoči občinam pri urejanju najnujnejše osnovne komunalne infrastrukture v romskih naseljih v letu 2005*.

⁴⁶ It must be noted that only municipalities with an elected Roma councillor may apply for these funds.

⁴⁷ According to the available data, the results of this initiative have not been further implemented or publicly debated.

Roma family with 13 children. The Municipality of Metlika regards this project as an example of good practice.⁴⁸

Also, in the monitoring period, several municipalities, including, for example, the Municipalities of Novo mesto, Semič, Lendava and Krško, adopted relevant documents providing for the regularisation of some Roma settlements in terms of spatial planning. The undertakings of the Municipality of Krško ensuring the regularisation of the largest Roma settlement in the municipality is acknowledged as an example of good practice.

1.1.6. Housing components, as well as components relevant to Roma women, of existing national gender equality legislation and policy

The Equal Opportunities for Woman and Men Act⁴⁹ is the main gender equality act, providing, among other things, for the prohibition of direct and indirect discrimination on the grounds of gender, and stipulating general and special measures intended for achieving gender equality.⁵⁰ The Act, however, does not include specific provisions related to the field of housing or to Roma women.⁵¹

The main policy document addressing the issues of gender equality, namely *Resolucija o Nacionalnem programu za enake možnosti žensk in moških (2005 - 2013)* [the Resolution on the National Programme for Equal Opportunities for Women and Men 2005-2013], adopted by *Državni zbor Republike Slovenije* [the National Assembly of the republic of Slovenia] in 2005, sets out 20 strategic objectives of gender equality policy in the specified timeframe, including social inclusion and reduction of poverty for both women and men. For the purpose of monitoring the implementation of the document, Laeken social inclusion indicators were employed, including at-risk-of-poverty indicators broken down by household type and by accommodation tenure status. However, the document does not specifically discuss the housing situation of

⁴⁸ Data submitted by the Municipality of Metlika upon request.

⁴⁹ Slovenia/SOP 2002-01-2837 (21.06.2002).

⁵⁰ The Slovenian NFP noted no studies and reports including specific data or cases showing that Roma benefited from the relevant gender equality legislation and implementing measures.

⁵¹ For example, according to Article 1 of the Act, '[t]he aim of this Act is to define common grounds for the improvement of the status of women and the establishment of equal opportunities for women and men in political, economic, social, educational fields and other fields of social life (hereinafter: equal opportunities).' In addition, the Act stipulates that gender equality shall mean that 'women and men shall equally participate in all fields of public and private life and that they shall have equal status, equal opportunities for the exercise of all rights and for the development of their personal potentials by which they contribute to social development, as well as equal benefit from the results arising from development.'

Roma women, but noted that Roma people, and particularly Roma women, are among the most vulnerable social groups.⁵²

Both documents adopted for the purpose of the implementation of the resolution in question, namely plans for 2006-2007 and 2008-2009 respectively, foresee activities in the field of housing intended to increase social inclusion and prevent the risk of poverty for vulnerable social groups. According to the documents, the Ministry of the Environment and Spatial Planning and the national Housing Fund should undertake an analysis of the current housing legislation and other documents from the perspective of gender equality, and should propose relevant amendments. Also, the aforementioned institutions should inform the media and general public regarding the accessibility of non-profit rental housing and housing loans targeting vulnerable groups, and should undertake measures to increase non-profit rental housing. However, the documents, do not specifically mention the Roma, but only note that ethnic minority groups are among socially vulnerable groups.⁵³

1.1.7. Housing components, as well as components relevant to Roma, of existing national disability legislation and policy

In Slovenia, there is no systemic act related to persons with disabilities. Relevant issues, including issues in the field of housing, are specified in legislation sector by sector. For example in 2003, on the basis of the Construction Act and the Spatial Planning Act, the government adopted the Rules on the Requirements for Free Access to, Entry to and Use of Public Buildings and Facilities and Multi-apartment Buildings. Among other things, the regulation lists the public buildings and multi-apartment dwellings to which functionally-impaired persons should have free, independent and secure access. This Act also stipulates that such access should be ensured during preparation of all relevant spatial planning and construction acts.

In 2005, the government adopted the National Guidelines for the Improvement of Access to Built Environment, Information and Communications for the Disabled. Among other things, the document laid out the following goals:

⁵² Slovenia/SOP 2005-01-4350 (27.10.2005).

⁵³ Slovenia/Vlada Republike Slovenije, Urad za enake možnosti (2006) *Periodični načrt za izvajanje Nacionalnega programa za enake možnosti žensk in moških, za obdobje 2006-2007*, pp. 26-28, available at: http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/PN_NPZEMZM.pdf (31.03.2009); Slovenia/Vlada Republike Slovenije, Urad za enake možnosti (2008) *Periodični načrt za izvajanje Nacionalnega programa za enake možnosti žensk in moških, za obdobje 2008-2009*, pp. 24-26, available at: <http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/NPDrugiPeriodicni.pdf> (31.03.2009).

removal of construction and communication obstacles in existing objects currently in public use and in public areas; all larger apartment buildings should be built in such a manner to allow their adjustment for functionally-impaired persons with minimal intervention.

According to *Akcijski program za invalide 2007-2013* [the Action Programme for Persons with Disabilities 2007-2003], the principle policy document in the field, goal number two shall be: 'All persons with disabilities have the right to decide, on equal basis with others and without discrimination, where they wish to live and have the right to fully participate in community living.' In order to achieve this objective, one of the measures shall include the provision of non-profit rental apartments for persons with disabilities.

None of the above-mentioned documents includes specific references to members of the Roma community living in Slovenia.⁵⁴

Also, a set of provisions relevant to the housing situation as well as the personal features of disability, gender and ethnicity is included in the Act Implementing the Principle of Equal Treatment which prohibits discrimination in all areas of life, including services available to the public (e.g. housing). Another set of provisions which could also be relevant to the Roma community, but primarily refers to access of people with disabilities to non-profit apartments, is the provision in the Housing Act (see above, section on non-profit apartments).

1.1.8. The impact of legislation on the housing situation of Roma, with special respect to the Race Equality Directive 2000/43/EC, as transposed into national legislation (including instances of indirect discrimination)

The Racial Equality Directive has been transposed in Slovenian legislation by adopting a systemic act, namely the Act Implementing the Principle of Equal Treatment. Among other things, the Act provides for the prohibition of direct and indirect discrimination, harassment and victimisation. Also, on the basis of this Act, a special body, namely the Advocate of the Principle of Equality, has been established. In addition, the provision of the Directive has been included in some other sectoral acts (e.g. the Employment Relationships Act, which is the most comprehensive in this regard). So far, no comprehensive assessment of the impact of the transposition has been produced.

⁵⁴ The Slovenian NFP also noted that no studies or reports include specific data or cases showing that Roma benefited from the relevant provisions and measures aimed at improving the situation of people with disabilities.

In spite of this, some limited data is available. With regard to the housing field, the current legislation governing this field includes no specific anti-discrimination provisions, and the available data shows that this tends to be a considerable obstacle in fighting against discrimination, including discrimination faced by the Roma in Slovenia. In several of his reports, *Varuh človekovih pravic Republike Slovenije* [the Human Rights Ombudsman of the Republic of Slovenia] criticised the state of affairs regarding discrimination. For example, in a 2007 report covering the developments in 2006, the Ombudsman also dedicated specific attention to the situation regarding access to goods and services, including housing, and reported on a case of direct discrimination. An example of direct discrimination is when a landlord refused to rent an apartment to a Roma individual on the grounds of his ethnic origin. As the case occurred in the private sector, and thus fell outside its competencies, the Ombudsman transferred the case to *Stanovanjska inšpekcija* [the Housing Inspectorate], established within *Inšpektorat Republike Slovenije za okolje in prostor* [the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning], and *Tržni inšpektorat Republike Slovenije* [the Market Inspectorate of the Republic of Slovenia]. Both agencies failed to act. While the Market Inspectorate asserted that it is competent to deal only with cases involving enterprises (e.g. legal persons) and consumers,⁵⁵ and can act only after *Zagovornik načela enakosti* [the Advocate of the Principle of Equality], the Slovenian specialised body, produces an opinion in particular case, the Housing Inspection failed to provide a clear response regarding its competencies.⁵⁶ In the Ombudsman's opinion, this is a questionable interpretation of the anti-discrimination law (i.e. the Act Implementing the Principle of Equal Treatment), and may lead to unreasonably lengthy procedures and delays with respect to the effective support to the potential victim. Furthermore, the Ombudsman asserted that unclear demarcations between competencies of the two inspectorates are unacceptable. Moreover, the state does not provide for the effective handling of cases of discrimination in the field of housing.⁵⁷ According to the Ombudsman, the state's failure to effectively handle cases of

⁵⁵ The Consumer Protection Act only stipulates that a company shall provide the consumers with goods under equal conditions. Being a natural person, the aforementioned landlord does not fall under this provision. Also, it is interesting to note that the Housing Act differentiates, among others, between non-profit rental housing and market rental housing. Therefore, the aforementioned landlord offers market rental housing. However, the Housing Act does not grant any mandate to the Market Inspectorate in this respect.

⁵⁶ Slovenia/Varuh človekovih pravic, *Letno poročilo 2006*, p.35, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/Varuh_LP_2006_SLO.pdf (31.03.2009). However, in its response to the NFP, the Housing Inspection asserted that the case fell beyond its competencies. The relevant sectoral legislation, namely the Housing Act, which governs the work of the Housing Inspectorate, does not include any anti-discrimination provisions. Also, according to the Act, the Housing Inspectorate is tasked to monitor the implementation of public interest in the field of housing, which is defined as assuring the conditions for effective management of multi-unit dwellings and assuring that multi-unit dwellings are in such condition as to allow for its normal use.

⁵⁷ Slovenia/Varuh človekovih pravic, *Letno poročilo 2006*, p. 35, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/Varuh_LP_2006_SLO.pdf (31.03.2009)

discrimination, including in the field of housing, may be attributed to a lack of awareness of the problem and the role played by the state in its elimination.⁵⁸ It must be noted, however, that no comprehensive studies looking into the reasons for this failure have been carried out in Slovenia so far.

In the next report, covering the human rights situation in Slovenia in 2007, the Ombudsman also noted that the legislation in place does not provide for the establishment of a comprehensive monitoring system (e.g. data collection, analysis, research studies). The Ombudsman also pointed out a very limited number of publicly known cases in which victims of discrimination protected their rights by means of the relevant procedures. With respect to the Slovenian equality body, the Ombudsman said that the failure of the Advocate to produce his/her opinion in a case related to a much publicised case of the forcible removal of a Roma family a year after the complaint was lodged could indicate the ineffectiveness of this mechanism. Simultaneously, this situation clearly raises questions of the body's dependence on the government.⁵⁹ The Ombudsman also reported on a case in which the Advocate established discrimination on the basis of gender.⁶⁰ Upon the violator's failure to rectify the established irregularities they ceded the case to the competent inspectorate. The latter failed to act, so the Advocate acquainted the Ombudsman with the issue. According to the Ombudsman, this clearly suggests that the Advocate lacks powers to enforce the ban on discrimination.⁶¹

Despite the fact that the term 'autochthonous' is not defined in the legislation, and that the Constitution only stipulates that '[t]he status and special rights of the Romany community living in Slovenia shall be regulated by law',⁶² the current legislation introduced a division between 'autochthonous' and 'non-autochthonous' Roma. The former are considered as long-established communities, living in Slovenia for generations, and are mainly concentrated in the regions of Dolenjska and Prekmurje, while the latter is perceived as an immigrant population mainly originating from the former-Yugoslav republics and living in urban centres, such as Ljubljana, Maribor or Velenje. For example, the Local Self-Government Act, which provides for the political representation of the Roma, includes a list of 20 municipalities where Roma are regarded as 'autochthonous'. and only these municipalities are obliged to have an elected Roma councillor on municipal councils.

⁵⁸ Slovenia/Varuh človekovih pravic, Annual Report 2006, p. 18, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/Varuh_LP_2006_ANG.pdf (27.05.2009).

⁵⁹ In February 2009, two years after the complaint was lodged, the Advocate eventually produced an opinion, and established that no discrimination took place.

⁶⁰ In Slovenia, the equality body covers a range of grounds of discrimination.

⁶¹ Slovenia/Varuh človekovih pravic, *Letno poročilo Varuha človekovih pravic Republike Slovenije za leto 2007*, pp. 40-41, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/VCP-LP07-splet.pdf (31.03.2009)

⁶² Therefore, the Constitution does not introduce any distinction between Slovenian Roma communities.

In a similar vein, the provisions of the Roma Community Act, which was adopted in 2007 and provides for the special rights of the Slovenian Roma, including housing rights, only apply to the Roma living in the aforementioned municipalities. The same holds true, for example, for the CoE Framework Convention for the Protection of National Minorities. Such regulations only provoke discord within the Roma community.⁶³

It is also important to note that when a municipality, which is obliged to provide for the election of a Roma councillor, does not have an elected Roma councillor on the municipal council, it is not eligible to apply for state funds intended for the improvement of living conditions of the Roma people. Seven years following the adoption of the Local Self-Government Act, the Municipality of Grosuplje did not adopt any statutes enabling local Roma to elect their councillor, Grosuplje remains the only municipality failing to comply with the relevant provisions of the Local Self-Government Act.

Also, the aforementioned distinction was observed by a number of international bodies, including the UN Human Rights Committee, ECRI and the Advisory Committee of the FCPNM. All bodies called on the Slovenian public authorities to reconsider removal of this distinction as it may be discriminatory in its effect.

For example, in 2005, the UN Human Rights Committee issued its comments on the implementation of the International Covenant on Civil and Political Rights in Slovenia, and raised concern over this distinction, stating that '[t]he State party should consider eliminating discrimination on the basis of status within the Roma minority and provide to the whole Roma community a status free of discrimination, and improve its living conditions and enhance its participation in public life.'⁶⁴

⁶³ B. Petković. (2004) 'Ne le sosedje, tudi najboljši sosed ne mara Romov', in: *Poročilo skupine za spremljanje nestrpnosti*, no. 3, pp. 70-81.

⁶⁴ UN Human Rights Committee (2005) *Consideration of reports submitted by the State Parties under Article 40 of the Covenant: Concluding Observations of the Human Rights Committee: Slovenia*, p. 4, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G05/434/90/PDF/G0543490.pdf?OpenElement> (31.03.2009). Also, in 2005, the Advisory Committee of the FCPNM produced its opinion on the application of the Convention in Slovenia, and noted that 'Only those Roma considered "autochthonous" are included by the Slovene authorities in the scope of application of the Framework Convention, even though neither the Slovene Constitution nor the aforementioned declaration mention such a requirement in relation to them.' Furthermore, no progress has been made in this respect since the first monitoring cycle. Therefore, the Committee opined that this approach is 'problematic in the light of the Framework Convention, and finds that it is likely to give rise to arbitrary exclusions and discriminatory practices in respect of certain persons potentially concerned by the specific policies and measures implemented under this convention.' See: Coe, Advisory Committee on the Framework Convention for the Protection of National Minorities (2005) Second Opinion on Slovenia adopted on 26 May 2005, p. 10, available at: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_Slovenia_en.pdf (31.03.2009).

Also, in its 2007 report concerning the situation regarding racism and related intolerance in Slovenia, the ECRI noted that the situation regarding the distinction in question has not changed since its 2003 report when the ECRI noted ‘a number of areas where Roma faced discrimination and particularly serious situations of disadvantage (including housing, employment and education) and where priority action on the part of the Slovenian authorities was therefore needed.’ This distinction has limited the extent of progress and the positive measures introduced in the period between the two reports. According to the last report, ‘the need for special support for members of the Roma communities throughout the country is so pressing that members of some Roma communities have had to move to municipalities where autochthonous Roma live in order to benefit from better opportunities in fields such as education or employment that are available there.’ In addition, ECRI concluded ‘that particularly in view of the levels of need of this part of the population, any distinction that would affect the Slovenian authorities’ ability to cater for all Roma effectively and in a non-discriminatory way should be avoided.’⁶⁵

In 2008, the Human Rights Ombudsman lodged a request for the assessment of the provisions of the Local Self-Government Act and the Roma Community Act, as the institution opined that the distinction in question amounts to indirect discrimination and does not comply with the Constitution, nor the International Covenant on Civil and Political Rights, or the International Convention on the Elimination of All Form of Racial Discrimination.⁶⁶

At the legislative level, Article 87, Para. 5 of the Housing Act⁶⁷ lays down the beneficiaries of the non-profit housing rental scheme, as well as the loans and subsidy schemes. It only includes Slovenian citizens.⁶⁸ This means that non-profit rental housing is not accessible to other groups, including persons holding permanent residence permits. As many Roma are without citizenship, as well as the means to buy or rent accommodation in the market, they are markedly affected by this provision. This is specifically the case with the Roma living in urban centres.⁶⁹

⁶⁵ ECRI (2007) *Third report on Slovenia*, pp. 31-32, available at: http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/SVN-CbC-III-2007-5-ENG.pdf (31.03.2009).

⁶⁶ Data submitted by the Human Rights Ombudsman upon request.

⁶⁷ Slovenia/SOP 2003-01-3312 (19.06.2003).

⁶⁸ Upon fulfilling the principle of reciprocity, Article 160 of the mentioned Act also stipulates the right of EU nationals with permanent residence in Slovenia to apply for non-profit housing and other instruments.

⁶⁹ In October 2007, a non-Roma third country national with long-term resident status, and a citizen of Bosnia and Herzegovina, submitted a request for the assessment of the compliance of this provision of the Housing Act with the Constitution to the Constitutional Court. The complainant was of the opinion that the said provision ran contrary to the Constitutional provisions providing for equality before the law, and for immediate application of legal acts of the international organisation to which Slovenia transferred a part of its sovereign rights. These rights are embodied, in Council Directive 2003/109/EC which lays down equal rights

In its 2006 conclusions, the CoE Committee for Social Rights established that the situation in Slovenia is not in conformity with the provisions of the European Social Charter (revised) relating to accommodation equality 'on the grounds that equal treatment as regards access to non-profit housing is not secured for all migrant workers who are nationals of state parties to Charter.'⁷⁰

1.1.9. The impact of general public policies on the housing situation of Roma (including instances of indirect discrimination)

Comprehensive strategic documents addressing the Roma housing situation have neither been produced at the national nor at the local level in Slovenia. One can, therefore, hardly speak of any consistent and comprehensive policies. Some reports published in the monitoring period indicate that, in spite of some improvements, the lack of such comprehensive documents, as well as sufficient financial means and some other factors, including different approaches by local communities, represent obstacles in terms of the comprehensive resolution to the Roma housing situation. For example, one of the earliest reports in the monitoring period noted that this may be due to limited resources allocated to legalisation and regulation, which sometimes led municipalities⁷¹ to halt these projects. Consequently, these measures were not fully implemented or with required resolution.⁷²

In 2004, the Ombudsman noted that the state does not allocate sufficient funds for the provision of the rights of the Roma, including in housing. As the guarantee of these rights is perceived as an additional financial burden imposed on the municipalities, this contributes to dissatisfaction in local communities and may influence negative sentiments towards the Roma community.⁷³

of citizens and long-term residents regarding access to housing. In 2008, the Court rejected the complaint on the grounds of the applicant's failure to exhaust all legal remedies. See: Slovenia/Ustavno sodišče/ U-I-263/07-6 (19.06.2008).

⁷⁰ Council of Europe, European Committee of Social Rights (2006) *Conclusions 2006 (Slovenia): Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20 of the Revised Charter*, available at: http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Slovenia2006_en.pdf (31.03.2009) [Unnumbered pages]. It must be also noted that the general situation with regard to access to non-profit rental housing is unfavourable. For example, according to these conclusions, demand for non-profit housing stood at 5,600 units.

⁷¹ As noted earlier in the text, the competency to adopt relevant spatial plans enabling the regularisation of the Roma settlements, which is one of the main problems, lies predominantly with the municipalities.

⁷² T. Perić (2001), 'Insufficient: Governmental Programmes for Roma in Slovenia. Field Report', in: *Roma Rights*, no. 2,3, available at: <http://www.errc.org/cikk.php?cikk=1717> (31.03.2009).

⁷³ For example, in the same year the Ombudsman noted that '[r]ecriminations on unjustifiable privileges granted to the Roma community oftentimes relate to spatial planning (spatial acts,

Also, in 2004, the government noted by assessing its main document in the field, namely the 1995 Programme of Measures for the Assistance to Roma, that this is implemented too slowly, including in the housing field.⁷⁴

In 2005, the Advisory Committee of the FCPNM produced its opinion on the application of the Convention in Slovenia stating that, 'although improvements in the situation of the Roma have been reported in some regions, this does not apply to the whole Roma population or to all of the localities where Roma communities have settled. In some cases, as in the Dolenjska Region, Roma continue to face problems in a range of fields, particularly when it comes to housing conditions, employment, health and education. These differences between Roma residing in different localities appear to result from numerous factors, including the political commitment of local authorities, regional economic development and the involvement and efficacy of Roma councillors and organisations.'⁷⁵

Furthermore, in its last report on Slovenia in 2007, the ECRI only noted that isolated initiatives to improve the housing conditions of Roma have been taken, and that 'an overall strategy aimed at addressing the particularly poor housing conditions of Roma throughout the country which would clearly indicate means of implementation is not yet in place.'⁷⁶

A recent example noted by the Ombudsman may be illustrative with regard to the lack of a comprehensive strategic approach, as well as different approaches towards Roma exhibited by the relevant municipalities. In the Municipality of Škocjan, pieces of land where Roma live, mainly in irregularly constructed

construction permits, institutional measures, providing of public utilities infrastructure...), to the issues related to security (police authorizations, weighing out of fines in minor offence proceedings, criminal affairs...), to employment, and also to cultural activities and schooling. We have received one such letter together with "an advertisement", also published by some media, which spread primarily through the electronic mail (Become a Roma).' In the Ombudsman's opinion this advertisement 'entirely unjustifiably labels all of the members of the Roma population (e.g. illegal builders, offence perpetrators...), and that this is an unjustifiable stigmatization of the whole Roma population, which is derived from the negative prejudice, namely stereotype on Roma people. Such a treatment contains elements of expression of intolerance, while some members of Roma community feel righteously pushed away and personally affected.' See: Slovenia, Varuh človekovih pravic (2006) *Izvilleček o romski problematiki iz letnih poročilih Varuha*, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/novinarska_konferenca_8.11.2006/Romi_v_LP_Varuha.pdf (31.03.2009).

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http://www.uvn.gov.si/fileadmin/uvn.gov.si/pageuploads/pdf_datoteke/SKLEP_POROCILO_O_POLOZAJU_ROMOV_7_10_2004.pdf (31.03.2009).

75 Coe, Advisory Committee on the Framework Convention for the Protection of National Minorities (2005) *Second Opinion on Slovenia adopted on 26 May 2005*, p. 17, available at: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_Slovenia_en.pdf (31.03.2009)

76 ECRI (2007) *Third report on Slovenia*, p. 34, available at: http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/SVN-CbC-III-2007-5-ENG.pdf (31.03.2009).

settlements already in existence since the 1960's have been, upon the amendments to the spatial acts, (from late 1990's to 2004, namely after Article 39 had come into force) planned for the construction of a business-industrial zone. According to the Ombudsman, the Municipal Council, with such a decision, has in no way respected the interests of the Roma inhabiting this land. For this reason, there is a threat that the whole Roma settlement in Dobruška vas shall be evicted. The inhabitants have been very poorly informed about the Municipality plans, as well as the potential solutions. In addition, the Ombudsman was not acquainted with any municipal measures which would try to alleviate the situation of the affected community members.⁷⁷

The aforementioned data indicates the lack of a more strategic approach aimed at improving the Roma housing situation. The same data also suggested that insufficient funds were allocated for this purpose in the past. But no report has accounted for the reasons why a more comprehensive approach has not been introduced so far. This lack of a comprehensive approach may reflect, among other things, varying levels of competencies on the part of the state and the local authorities, as well as different levels of commitment by the relevant stakeholders. In this respect, the first interviewee from the public authorities agreed that the adoption of a general strategy would represent a meaningful step in the right direction, but noted that it would be questionable to what extent such a strategy would be mandatory for local authorities since the relevant legislation places the competencies in spatial planning almost exclusively in the hands of municipalities.⁷⁸ The same respondent also noted that while municipalities wanted more funds from the state via relevant calls for tenders, they sometimes relied too much on these funds and were not sufficiently aware that the Roma were also their inhabitants and their concern, just as the rest of the population.⁷⁹

In this regard, a representative of Roma councillors, who was also interviewed for the purpose of this study, provided an illustrative example: *'We have been closely monitoring the situation in terms of the Roma issues on the whole Slovenian territory, and the case of Ribnica is still fresh in our minds, when Roma people camped in front of the municipal building, where they literally*

⁷⁷ Data submitted by the Human Rights Ombudsman upon request.

⁷⁸ According to this informant, the government is currently preparing a national programme of measures targeting Roma, including in the field of housing. The programme in question is being prepared on the basis of the Roma Community Act. It still must be seen, however, how comprehensive this programme would be.

⁷⁹ The authority to improve the living conditions in Roma settlements is legally both with the state and municipalities. However, the main role of the state is to assist the municipalities with strategies, plans and financial programmes, but it is the responsibility of the municipality to apply for funds (e.g. at the Government's Office for Local Self-Government and Regional Policy), and ensure the legalisation of settlements and the improvement of the communal infrastructure. For that purpose the municipalities are eligible to obtain resources concerning public calls for tenders. However, it is up to the municipalities if they take advantage of them or not.

protested only because of the fact that they have no water. On behalf of the Roma Councillors Association, I sent a letter to the Mayor, and asked for a short meeting. Thank God that the meeting took place today, and I have to say that we had a good discussion on this issue, while it still came out that the Mayor has been somehow avoiding the issue. He expressed his readiness to do something, but not when a concrete action needs to take place. However, in the end, we managed to agree that the Mayor shall, at the next session on 6 April, introduce an item into the agenda where the municipal council will discuss this issue. Afterwards, we proposed to be invited to the meeting and to invite one of the Roma people, the representative, since it makes sense, and it is democratic to have at least a representative present to get introduced to the situation when the council discusses the issue of the Roma community. It was irresponsible of the Mayor today, when he said that the municipality has no money to install a pipe; I could not accept this fact. When I asked him if he knows how much this would cost, he did not know. I managed to tell him that this is such a small sum that the pipe could be installed tomorrow. An additional reason to do this is the fact that the Roma representative said that there are 32 kids in this village obliged to attend school, and that this water supply would mean a lot to them, so that they would be able to wash up before going to school. Therefore, municipalities as such avoid their competencies, and the Mayor mentioned today twice or three times that this falls within the state's competence. Intervention into premises is the sole competence of the local community.'

1.2. Quantitative data on the housing situation of Roma⁸⁰

1.2.1. Number of Roma in the country, if possible broken down by reference whether sedentary, semi-sedentary or itinerant

According to the last Population Census, which dates back to 2002, there were 3,246 persons who declared themselves as Roma, of whom 1,645 men and 1,601 were women. These Roma predominantly live in the Dolenjska Region in the south-eastern part of Slovenia, and in the Prekmurje Region in the north-eastern part of the country, and also in the major Slovenian urban centres, namely Maribor and Ljubljana (See Tables 2, 3 and 4⁸¹ in Annex 1). However, data produced within the framework of this Population Census does not reflect the reality, and highly underestimates the population of Slovenian Roma. One of the possible reasons for such a skewed picture may be seen by the fact that the Population Census was based on voluntary self-declaration, and thus individuals might choose various options regarding their ethnic affiliation.

For example, according to the data submitted by the relevant municipalities for the purpose of the 2004 report on the situation of Roma in Slovenia, produced by the Office for National Minorities, there were 6,448 Roma people in the 20 municipalities in question, where Roma are considered autochthonous and which are explicitly mentioned in the Local Self-Government Act.⁸² There are an additional six municipalities where Roma are considered autochthonous but are not listed in the aforementioned Act.⁸³ It is also worth mentioning that the above statistics do not include data on the considerable number of Roma living in Slovenian urban centres, such as, for example, Maribor and Ljubljana (See Table 5 in Annex 1).

Furthermore, *Strokovna skupina za reševanje prostorske problematike romskih naselij* [Expert Group for Solving Spatial Issues in Roma Settlements], a body set up by the Ministry of the Environment and Spatial Planning in late 2006, conducted a survey in February and March 2007 on the housing situation in the Roma settlements. The Expert Group addressed a questionnaire to all the

⁸⁰ Quantitative data on desegregation is not available.

⁸¹ Table 4 in Annex 1 includes the only statistical data broken down by age and gender available in Slovenia. The NFP came across no other relevant quantitative data disaggregated by e.g. age, gender, religious affiliation or disability.

⁸² Slovenia/SOP 1993-01-2629 (21.12.1993).

⁸³ Slovenia/Urad za narodnosti (2004) *Poročilo o položaju Romov v Republiki Sloveniji (2004)*, Annex 2, pp. 47-48.

relevant administrative units, and all respective units submitted their response, thus providing a rather comprehensive picture of the situation. This data, which was presented in a study produced by the Head of the Expert Group, shows that there were more than 8,416 members of Roma community living in Slovenia, including in Maribor and Ljubljana (See Table 7 in Annex 1).⁸⁴

In general, some estimates indicate that between 7,000-10,000 members of Roma community live in Slovenia.⁸⁵

In addition, available data indicates that the majority of Slovenian Roma is sedentary.⁸⁶ However, no statistical data is available in this regard.

With respect to the number of the Roma settlements, the data varies in literature. This probably reflects different numbers of municipalities captured by a particular research project. A 2004 report on the Slovenian Roma stated that there were 90 Roma settlements in 25 municipalities (one of the observed municipalities asserted that there are no Roma settlements in their precinct),⁸⁷ with an average seventy-one inhabitants per settlement (previous studies reported 105 settlements).⁸⁸ The most recent survey, conducted in 2007 among relevant administrative units by the aforementioned Expert Group, showed that there were 107 Roma settlements in Slovenia.⁸⁹ The survey also revealed that

⁸⁴ The total sum was calculated by the NFP on the basis of the data presented in the aforementioned Table 6. It must be noted, however, that the table also includes, for example, data referring to certain Roma settlements. No concrete number is provided, but only that there is, for example, one family living in the settlements in question. See: J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: *Dela*, No. 27, p.p. 244-246, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2003).

⁸⁵ See e.g.: Slovenia/ Vlada Republike Slovenije (2004) *National Action Plan on Social Inclusion (NAP/inclusion) (2004 – 2006)*, p.19, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/nap_incl_2004_si_en_version.pdf (31.03.2009).

⁸⁶ See e.g.: J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: *Dela*, No. 27, p.p. 215-246, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2003).

⁸⁷ The data relates to the following municipalities: Beltinci, Brežice, Cankova, Tišina (the municipality Cankova-Tišina is split between the two studies), Črenšovci, Črnomelj, Dobrovnik, Grosuplje, Ivančna Gorica, Kočevje, Krško, Kuzma, Lendava, Metlika, Mirna Peč, Murska Sobota, Novo mesto, Puconci, Ribnica, Rogašovci, Semič, Šentjernej, Škocjan, Trebnje, Turnišče, Žužemberk. See: Slovenia/Urad za narodnosti (2004) *Poročilo o položaju Romov v Republiki Sloveniji (2004)*.

⁸⁸ The data relates to the following municipalities: Brežice, Cankova – Tišina, Črenšovci, Črnomelj, Grosuplje, Ivančna Gorica, Jesenice, Kočevje, Krško, Kuzma, Lendava, Ljubljana, Metlika, Murska Sobota, Novo mesto, Puconci, Radovljica, Ribnica, Semič, Šentjernej, Škocjan, Trebnje, Turnišče. See: Slovenia/Urad za narodnosti (2004) *Poročilo o položaju Romov v Republiki Sloveniji (2004)*.

⁸⁹ This data relates to the following municipalities: Beltinci, Bled, Brežice, Cankova, Tišina, Črenšovci, Črnomelj, Dobrovnik, Grosuplje, Hodoš, Ivančna Gorica, Jesenice, Kočevje, Kranj, Kropa, Krško, Kuzma, Lendava, Ljubljana, Maribor, Metlika, Mirna Peč, Murska Sobota, Novo mesto, Puconci, Radovljica, Ribnica, Rogašovci, Semič, Šalovci, Šentjernej, Škocjan, Trebnje, Turnišče, Velenje, Žirovnica.

there are up to 45 inhabitants in 59 settlements (compared to 50-99 inhabitants in 25 settlements, 100-199 in 16 settlements, and seven settlements with more than 200 inhabitants).⁹⁰

1.2.2. Data on the housing conditions of Roma and non-Roma, including location issues (e.g. any environmental concerns, proximity to services, workplaces, educational and healthcare institutions, etc.)

No statistical data available.

1.2.3. Data on housing tenure of Roma (home ownership, social housing, private rental)

Considering data on the type of accommodation in terms of ownership, some data is only available from a research report of the Institute for Ethnic Studies, which dealt with processes of immigration from the republics of former-Yugoslavia into the urban region of Ljubljana. According to the study data, which, therefore, only refers to the situation in Ljubljana, it is apparent that there is a high degree of privately owned accommodation among Slovenians (82 per cent) and that all the other ethnic communities could provisionally be separated into two distinct groups. The first group is characterised by a high degree of privately owned accommodation and includes Montenegrins (74 per cent), Croatians (75 per cent), and Serbs (71 per cent). In the second group there are considerably less private owners, and this group includes Bosniacs, Muslims and Bosnians (46, 40, and 48 per cent), Albanians (30 per cent), and also Roma (50 per cent). The second group also has more individuals who live in different types of rental housing, especially residence halls for single⁹¹ persons (See Table 6 in Annex 1).⁹²

⁹⁰ J. Zupančič (year, when the document was produced could not be identified) *Stanje in perspektive romskih naselij v Sloveniji: od analize k novi rekonstrukciji*, p. 4, (ppt presentation).

⁹¹ 'Residence halls for single persons' stands for 'samski dom' (i.e. hotel za samske (hotel za samce in Serbo-Croato-Bosnian-Montenegrin etc. complex)).

⁹² M. Komac, M., Medvešek (eds) (2005) *Simulacija priseljevanja v ljubljansko urbano regijo: analiza etnične strukture prebivalstva Mestne občine Ljubljana*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 187-203, available at: http://www.inv.si/DocDir/projekti/simulacija_priseljevanja_v_lj.pdf (31.03.2009).

1.2.4. Number of Roma living in regulated encampments, and numbers of such areas in the country, with approximate duration of residence; Data on public utilities available in regulated encampments

For some data, please see Section 1.2.7.

1.2.5. Number of Roma living in unregulated encampments, and numbers of such areas in the country, disaggregated by county/region, with approximate duration of residence; Data on public utilities available in unregulated encampments

For some data, please see Section 1.2.7.

1.2.6. Number of Roma living in segregated settings, and number of such areas in the country, with approximate duration of residence

For some data, please see Section 1.2.7.

1.2.7. Data on access of Roma to public utilities, broken down per residential type

Without doubt, of all the ethnic groups in Slovenia, the Roma are the most affected by their housing situation. For example, the National Strategy and Priority Tasks in the European Year of Equal Opportunities for All⁹³ stated that

⁹³ Slovenia/Ministrstvo za delo, družino in socialne zadeve (2007) *Nacionalna strategija in prednostne naloge v evropskem letu enakih možnosti za vse: Slovenija*, p.7, available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/lem_strategija.pdf (31.03.2009). See also: Slovenia/Urad za narodnosti (2004) *Poročilo o položaju Romov v Republiki Sloveniji (2004)*, p. 22. A study related to the access to housing for migrants and ethnic minorities, which was financed by the European Commission, provides slightly different data. According to the study, one-third of the Slovenian Roma live in dwellings, 12 per cent in apartments and an additional 58 per cent in makeshift housing (e.g. barracks, containers and trailers). See: Joint Centre for Scottish Housing Research (2004) *Policy Measures to Ensure Access to Decent Housing for Migrants and Ethnic minorities*, p. 29, available at:

most Roma live in isolated settlements or on the outskirts of urban areas in bad conditions which are below minimal housing standards. Thirty-nine per cent live in brick houses, 12 per cent in apartments, while the rest of the Roma population live in makeshift accommodation (e.g. barracks, containers, trailers). According to the Strategy, only in the region of Prekmurje do the Roma live among the majority population, although their number is small.⁹⁴ According to the aforementioned 2007 survey among the administrative units, there were slightly more than 60 per cent of the Roma settlements were isolated, slightly more than 20 per cent of settlements were in the vicinity of the towns or were part of towns, and less than 20 per cent of the Roma settlements were in contact with other settlements.⁹⁵

In addition, many Roma settlements have been established in an unregulated manner. The irregularity appears on two levels: on the level of the status of the land (regulated by local spatial regulations), where the accommodation is built on non-building land; and on the level of administrative permits (issued to individual investors), where the accommodation is built on building land, but without the required permit.

Although the general housing situation of all Roma communities is unfavourable, available data from surveys shows marked differences between regions both in terms of regularity of Roma settlements and access to public infrastructure. For example, according to the aforementioned February and March 2007 survey on the housing situation in Roma settlements, of the 38 settlements in Prekmurje, three settlements have no water supply (compared to 18 out of 57 settlements without water supply in Dolenjska).⁹⁶ Also in Prekmurje, there is no settlement without electricity (compared to 24

http://ec.europa.eu/employment_social/social_inclusion/docs/decenthousing_en.pdf
(31.03.2009).

⁹⁴ The situation in urban centres with a 'non-autochthonous' Roma population might be different to some extent. However, relevant data on the situation of these Roma groups are rare, as the majority of relevant sources, including surveys, focus on the Roma communities which are considered 'autochthonous.' The only study which has dealt with the situation of the 'non-autochthonous' Roma, namely with the Roma by origin from former- Yugoslavia and living in the capital of Ljubljana, noted that many Roma families are tenants in non-profit as well as private for-profit rental housing, but also noted two isolated settlements in which the Roma live. See e.g. M. Hrženjak, Ana M. Sobočan, Š. Urh, P. Videmšek, D. Zaviršek, J. Zorn (2008) *Romi v Ljubljani - različnost perspektiv: Zaključno poročilo raziskovalnega projekta RP 2/07*, Ljubljana: Fakulteta za socialno delo Univerze v Ljubljani, Mirovni inštitut (this research report was printed in a limited number of copies).

⁹⁵ J. Zupančič (year, when the document was produced could not be identified) *Stanje in perspektive romskih naselij v Sloveniji: od analize k novi rekonstrukciji*, p. 5, (ppt presentation).

⁹⁶ Including areas of Bela krajina, Kočevsko and Posavje.

settlements without electricity in the Dolenjska Region).⁹⁷ (See Table 8 in Annex 1).

Similarly, while in only three out of 38 settlements in Prekmurje all accommodations are built without required permits, in the Dolenjska Region there are 39 settlements where all accommodations are built without permits.⁹⁸ (See table 9 in Annex 1).

Furthermore, with a view to spatial planning definitions, there are five Roma settlements erected outside building areas in Prekmurje (compared to 27 in the Dolenjska Region). In terms of ownership, Prekmurje Roma are majority owners of the plots in 18 settlements, while in the Dolenjska Region there are only five settlements where the majority of the plots are owned by the Roma.⁹⁹ (See Tables 10 and 11 in Annex 1).¹⁰⁰

In this respect, it is worth noting that the willingness of the owners to sell the land on which Roma settlements are established also markedly differs between regions. For example, in the region of Prekmurje, slightly less than 60 per cent of the owners are mostly or partially prepared to sell their land, while in south-eastern Slovenia, namely in Dolenjska, Kočevsko, Bela krajina and Posavje, slightly more than 20 per cent of the owners are mostly or partially prepared to do so.¹⁰¹

The study produced by the Head of the Expert Group also includes some of the rare data on the situation of small Sinti communities in Slovenia.¹⁰² The latter are located in the Gorenjska Region. The data presented in the study indicates that there are seven Sinti settlements in Slovenia, all with access to public water supply and electricity. In addition, all accommodations are built on the basis of

⁹⁷ J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: *Dela*, No. 27, p. 227, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2009).

⁹⁸ J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: *Dela*, No. 27, p. 233, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2009).

⁹⁹ J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: *Dela*, No. 27, p. 234, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2009)

¹⁰⁰ Also, in Table 6 in Annex 1, the aforementioned data are presented with reference to specific Roma settlements.

¹⁰¹ J. Zupančič (year when the document was produced could not be identified) *Stanje in perspektive romskih naselij v Sloveniji: od analize k novi rekonstrukciji*, p. 17, (ppt presentation).

¹⁰² Slovenian Sinti perceive themselves as a specific ethnic group differing from Roma. See e.g.: <http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/SUNEO4ZapisnikPotrjen.pdf> (31.03.2009).

a required administrative permit. In five cases, Sinti communities own the land where their settlements have been established.¹⁰³

An interesting project in 2005 and 2006 entitled *Poklicno informiranje in svetovanje za Rome - PISR* [Vocational Informing and Advising for Roma People – PISR], investigated the educational and professional interests of Roma in the south-eastern regions of Slovenia, namely Dolenjska, Bela krajina, Kočevje, Posavje and Grosuplje. The research was conducted by ten organisations under the coordination of *Zavod za izobraževanje in kulturo Črnomelj* (ZIK Črnomelj) [Institute for Education and Culture Črnomelj]. As a part of the project, a comprehensive survey was conducted, involving 49 per cent of Roma of working age (between fifteen and forty-five years of age) living in respective regions. The survey also looked into the housing situation¹⁰⁴ of Roma living in the areas in question, and showed that 60 per cent of Roma live in brick houses, 33 per cent in barracks, 3 per cent in trailers, only 2 per cent in blocks of flats and an additional 2 per cent in other accommodation. There are, however, marked differences between regions. While the majority of Roma in Bela krajina, Posavje and Dolenjska live in brick houses, more than 50 per cent of Roma living in the region of Kočevje live in barracks. Additionally, more than 90 per cent of Grosupeljsko and Trebanjsko Roma live in barracks.

With regard to infrastructure, 51 per cent of Roma households have access to the public electricity supply, 12 per cent obtain electricity from home generators, 20 per cent from neighbours, while 17 per cent of Roma living in respective regions have no electricity. The situation with running water seemed to be slightly better as 75 per cent of Roma households are connected to the public water supply. An additional 17 per cent obtain water from springs or neighbours, 2 per cent from cisterns, and 2 per cent have no running water.¹⁰⁵

¹⁰³ J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji,' in: *Dela*, No. 27, p. 246, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2003).

¹⁰⁴ The study does not include comprehensive statistical data on the correlation between the housing situation of the Roma surveyed and other spheres of life (e.g. employment and education). The one thing the survey did show was that 13 out of 226 individuals who responded to the question about the reasons for the termination of their employment, stated that they lived too far from the workplace, had no transport or that they moved away (compared to 51 respondents who stated that they were fired, 28 who confirmed that this was due to the seasonal or temporary character of their employment, 26 who stated that public works have been discontinued, 24 respondents who lost their jobs due to bankruptcy or redundancy, 15 respondents who left the job for the purpose of taking care of their children or husbands, and 13 persons who left the job on the grounds of low wages).

¹⁰⁵ N. Babič Ivaniš, Š. Urh, V. Klopčič, M. Adamič (2006) 'Raziskava izobraževalnih in poklicnih interesov Romov', in: N. Žagar, V. Klopčič (eds) *Poklicno informiranje in svetovanje za Rome – PISR*, Črnomelj: Zavod za izobraževanje in kulturo, pp. 210-212.

1.2.8. Data on household type and size, including overcrowding, national room and space standards relating to overcrowding, and comparable room and space data for Roma and non-Roma

No data available.

1.2.9. Data on forced evictions conducted, including data on the cases where alternative accommodation was provided

Statistical data on the forced evictions, including data on the cases where alternative accommodation was provided is not available. However, although not complete, the data produced by the Inspectorate for the Environment and Spatial Planning indicates that the majority of unregulated Roma settlements have been established in the Dolenjska region, namely in the Municipalities of Novo mesto, Škocjan, Šentjernej, Trebnje, Metlika and Krško. According to the Inspectorate, orders for removal of the irregularly built buildings have been issued in the majority of cases. During the monitoring period, namely from 2000 to 11 March 2009, these orders were implemented in two cases and the irregular buildings were removed.¹⁰⁶

1.2.10. Data on available halting sites and the estimated numbers of halting sites needed to ensure legal space for all Roma, as well as the technical criteria that halting sites should conform to

There is no data on any halting sites in Slovenia. The issue of halting sites has not been raised in Slovenia, and the Slovenian NFP came across no studies or any relevant quantitative or qualitative evidence on travelling Roma communities in Slovenia. In addition, available data indicates that the majority of the Slovenian Roma is sedentary.¹⁰⁷ However, no statistical data is available in this regard. Therefore, due to the lack of data no substantiated assessment of the needs for halting sites in Slovenia can be provided.

¹⁰⁶ Data submitted by the Inspectorate for the Environment and Spatial Planning upon request.

¹⁰⁷ See e.g.: J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: *Dela*, No. 27, p.p. 215-246, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (21.05.2009).

1.2.11. Official, non-official or statistical data that demonstrate the impact of housing conditions on the right to education, the right to employment and the right to highest attainable level of health

No data available.

1.3. Qualitative information on the housing situation of Roma

1.3.1. Quality of housing available to Roma

The Slovenian Roma community is one of the groups most at risk of social exclusion, including in the field of housing. Roma who live in Roma settlements face especially poor housing conditions. Most of these settlements are in the north-eastern and south-eastern parts of Slovenia, which also tend to be the poorest regions in the country. Reports ascertained that the 'housing conditions for Roma are in general, considerably worse than for the rest of the population. In some communities, unsuitable residential buildings are still in use without sanitation, electricity, mains water, sewers or waste removal.¹⁰⁸ Also, a majority of Roma settlements have been established in an irregular manner both in terms of spatial planning and required building permits. Although many of the Roma settlements have been regularised, there is still a substantial number of irregular Roma settlements. In addition, many of the settlements have been built on private land, which further aggravates the possible regularisation of a number of settlements. Due to this, Roma lack security of tenure. They might also be subject to forced eviction.

According to a study, among others, the following common features of the Roma settlements could be identified: the settlements were established in the vicinity of central areas, since these provided for more opportunities for survival; oftentimes the settlements were established in the vicinity of dumps due to a possibility to collect scrap and other secondary material; the Roma oftentimes inhabited empty permanent and temporary dwelling places, and

¹⁰⁸ Slovenia/Vlada Republike Slovenije (2004), *National Action Plan on Social Inclusion (NAP/inclusion) (2004 – 2006)*, p.20, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/nap_incl_2004_si_en_version.pdf (29.05.2009).

'low-cost' and partially devastated areas; they were also seeking water springs, which in some cases led to conflicts.¹⁰⁹

The functionality of Roma settlements in terms of infrastructure such as supply or educational facilities is low, but the research also revealed substandard residential amenity of these settlements. The latter is, among other reasons, mostly due to the low quality of building, inadequate locations, overcrowding or specific the Roma economy that includes collecting and resale of secondary material (e.g. metal, paper, glass). This might sometimes lead to the expansion of Roma settlements and the usurpation of private land bordering on Roma settlements. According to the research, such a situation influences the relations between Roma and non-Roma inhabitants living in the vicinity of Roma settlements.¹¹⁰

For example, in 2003, a discussion took place in a municipality in the Dolenjska Region, and was entitled 'How to Protect the Citizens from Roma, and What Can We Do to Make Coexistence with Them Acceptable to Everyone?' At the discussion, such statements could be heard: 'If so much as a hair on the head of one of our fellow townspeople is harmed, I will see to it that the Roma settlement is gone;' '[Roma are] a population of people who don't play by the rules of the game of life in almost every respect'; and 'We are nurturing a snake in our bosom.' In addition, one of the participants noted that the Roma are people who have 'strayed into some form of behaviour typical of lower civilisations,' and opted for 'work integration' to teach them some basic time and schedule management skills. The other option mentioned was 'special reservations.'¹¹¹

In the following years, conflicts in relation to Roma settlements were a regular feature, and a number of protests also took place. For example, February 2004 saw a protest organised by non-Roma neighbours of an irregular Roma settlement on the outskirts of Novo mesto, a municipality in the Dolenjska Region. The protesters brought traffic to a halt in a roundabout for half an hour because they thought the State failed to ensure that their lives were normal, and equally safe and healthy, as were lives in areas without Roma neighbours. In late May 2004, a mass protest was organised in front of the government

¹⁰⁹ J. Zupančič (2007) 'Romska naselja kot posebni del nasebinskega sistema v Sloveniji', in: *Dela*, No. 27, p.p. 215-246, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (29.05.2009).

¹¹⁰ Zupančič, J. (2006) "Funkcije in problemi romskih naselij v luči boljše družbene integracije Romov", in: Babič Ivaniš, N., Urh, Š., Klopčič, V., Adamič, M. (2006) "Raziskava izobraževalnih in poklicnih interesov Romov", in: Žagar, N., Klopčič, V. (eds.) *Poklicno informiranje in svetovanje za Rome – PISR*, Črnomelj: Zavod za izobraževanje in kulturo, pp. 56-74. See also: J. Zupančič (2003) 'Romska vprašanja v luči prostorskih odnosov', in: V. Klopčič, M. Polzer (eds) *Evropa, Slovenija in Romi: zbornik referatov na mednarodni konferenci v Ljubljani, 15. februarja 2002*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 112-128.

¹¹¹ Petković, B. (2004) 'Ne le sosedje, tudi najboljši sosed ne mara Romov', in: *Poročilo skupine za spremljanje nestrpnosti*, no. 3, pp. 70-81.

premises by non-Roma inhabitants of Dolenjska. They demanded that the State address the Roma issue, and monitor social allowance abuses, confiscate unregistered vehicles and adopt regulations allowing the locals to remove unwanted guests from private land without bringing an action before the court. In June 2005, the Novo mesto protestors once again stopped traffic and demanded the removal of the irregular Roma settlement. The protesters also delivered their protest note to the municipality and returned their unpaid bills for the payment of compensation for the use of the building ground. In 2006, similar protests were repeated.

The only study, which has dealt with the situation of the 'non-autochthonous' Roma, namely with the Roma of former- Yugoslav origin and living in the capital of Ljubljana, noted that many Roma families are tenants in non-profit as well as private for-profit rental housing, but also noted two isolated settlements, in which the Roma live.¹¹² According to the study, the situation in the two settlements differs in terms of regularity and living conditions. In spite of some problems, the living conditions in the non-regularised settlement on Litijska Rd. are better, since it is composed of nine individual brick houses with access to electricity and public water supply. While the inhabitants receive individual water bills, and every household pays its own bill, a single bill received for the electricity sometimes leads to disputes in the community. Since some households tend to be late in payment of their share the bills cannot be paid, and this may then affect the entire community. With regard to the electricity supply, the Roma fear they may face power cuts or fire, as the existing network does not suffice for all nine households. Unlike the aforementioned settlement, the settlement in Koželjeva St. is composed of barracks owned by the municipality. All marginalised and socially disadvantaged inhabitants received decisions granting them the right to accommodation. Some families have been living in the settlements for at least two decades. However, since no classic lease arrangement was concluded between the inhabitants and the municipality, their situation is characterised by uncertainty. According to the report, the current public water and electricity network do not suffice for all the needs of the inhabitants. The inhabitants also face overcrowding and problems both with humidity and heat. According to the study, this affects the self-confidence of the inhabitants, which is then to some extent compensated for by their care for clean and tidy shelters. An additional problem for many inhabitants is the lack of citizenship, which excludes them from the non-profit rental housing scheme.¹¹³

¹¹² While the smaller settlement is more homogenous, the other settlement is ethnically mixed. According to some estimates, there are 300 Roma living in this settlement, amounting to the half of its population. The other informant, however, asserted that there are 400 Roma in the 500 person settlement.

¹¹³ M. Hrženjak, Ana M. Sobočan, Š. Urh, P. Videmšek, D. Zaviršek, J. Zorn (2008) *Romi v Ljubljani - različnost perspektiv: Zaključno poročilo raziskovalnega projekta RP 2/07*, Ljubljana: Fakulteta za socialno delo Univerze v Ljubljani, Mirovni inštitut (this research report was printed in limited number of copies), p.p. 51, 130-131.

1.3.2. Issues of spatial and social segregation

Available reports and studies indicate that of all the ethnic groups in Slovenia, Roma are most affected by their housing situation in terms of isolation and segregation. For example, a report on the situation of the Slovenian Roma produced by the Office for National Minorities noted that most Roma live in isolated settlements remote from the rest of the population or on the outskirts of urban areas.¹¹⁴ According to the National Strategy and Priority Tasks in the European Year of Equal Opportunities for All,¹¹⁵ the Roma live among the majority population only in the region of Prekmurje, although their number is small.¹¹⁶

The Expert Group for Solving Spatial Issues in Roma Settlements, a body set up by the Ministry of the Environment and Spatial Planning in late 2006, produced one of the most recent datasets on the housing situation of the Roma on the basis of a survey conducted among relevant administrative units in February-March 2007. The Head of the Expert Group presented this data in a study, indicating that around two thirds of Roma settlements are physically separated from other settlements. In general, the situation of the Roma is characterised by dispersion and accommodation in homogeneous 'Roma' settlements. According to the author, many of these settlements exhibit signs of ethnic and social 'ghettos'.¹¹⁷

In another study, the same author suggested that this can represent a barrier for the Roma, especially for children, in terms of contacts with other communities. As a result, the children, for example, lack command of the Slovenian language when entering the school system, which further aggravates their education prospects. In addition, there are no schools in any of the Roma settlements. Since some settlements are isolated and located in remote areas, and, as their homes are distant from school sites, the children face problems with access to

¹¹⁴ Slovenia/Urad za narodnosti (2004) *Poročilo o položaju Romov v Republiki Sloveniji (2004)*, p. 4.

¹¹⁵ Slovenia/Ministrstvo za delo, družino in socialne zadeve (2007) Nacionalna strategija in prednostne naloge v evropskem letu enakih možnosti za vse: Slovenija, p.7, available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/elem_strategija.pdf (29.05.2009).

¹¹⁶ The situation in urban centres with a 'non-autochthonous' Roma population might be different. The only study, which has dealt with the situation of the 'non-autochthonous' Roma, namely with the Roma by origin from former-Yugoslavia, and living in the capital of Ljubljana, noted two isolated settlements in which the Roma live, but also noted that many Roma families are tenants in non-profit as well as private for-profit rental housing. See: M. Hrženjak, Ana M. Sobočan, Š. Urh, P. Videmšek, D. Zaviršek, J. Zorn (2008) *Romi v Ljubljani - različnost perspektiv: Zaključno poročilo raziskovalnega projekta RP 2/07*, Ljubljana: Fakulteta za socialno delo Univerze v Ljubljani, Mirovni inštitut (this research report was printed in a limited number of copies).

¹¹⁷ J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: *Dela*, No. 27, p.p. 215-246, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (29.05.2009).

schools in winter. Oftentimes, the settlements lack communication facilities, including a telephone network, and the provision of services in the settlements is also very poor. Only rarely can one find shops, post offices, bars or health facilities in Roma settlements.¹¹⁸

1.3.3. Access to private housing

With regard to Roma access to housing, including private housing, a short note has to be added at the beginning of this section. The unregulated construction of housing (and the unregulated establishment of settlements) by Roma themselves was/is the predominant manner of their access to (private) accommodation, especially in regions of Prekmurje and Dolenjska, the two regions where Roma are considered 'autochthonous' (i.e. traditionally settled). In general, this might indicate that, historically, their access to regular (i.e. legal and affordable) housing was limited. As a consequence, despite the fact that these settlements were erected by the Roma themselves, their full (legal) access to housing might still be insecure due to the unregulated and, consequently, unclear status of many of these settlements. Full access to housing by the Roma is thus closely linked to the process of regularisation of their settlements, and is highly dependent of actions undertaken by relevant stakeholders in this regard. According to the second interviewee from the public authorities, the situation with respect to regularisation of Roma settlements is better in larger municipalities. In comparison to smaller municipalities, it is easier for larger municipalities to provide for the regularisation of Roma settlements, as they have more expert staff and funds at their disposal.

With regard to urban environments and the provision of private housing, the general situation in the country is relatively unfavourable. According to a research study, the ratio between the costs of an apartment and the annual income of Slovenians, as well as index of the affordability of apartments, are among the worst compared to several countries in transition (e.g. Poland, Croatia, Czech Republic, and Hungary).¹¹⁹

Since Slovenia gained its independence in 1991, and following the change of the economic system, an already unfavourable employment situation of the Roma deteriorated. Although the unemployment rate for the population as a whole was around 10 per cent and substantially decreased in recent years, some documents indicate that the unemployment rate among Roma was around 87 per

¹¹⁸ J. Zupančič (2006) 'Funkcije in problemi romskih naselij v luči boljše družbene integracije Romov', in: V. Klopčič, N. Žagar (eds) *Poklicno informiranje in svetovanje za Rome - PISR*, Črnomelj: Zavod za izobraževanje in kulturo, p. 56-74, available at: http://www.zik-crnomelj.eu/images/stories/dokumenti/pisr/zbornik_pisr.pdf (29.05.2009).

¹¹⁹ S. Mandič, A. Cirman (2006) *Stanovanje v Sloveniji 2005*, Ljubljana: fakulteta za družbene vede, p. 63.

cent,¹²⁰ and is actually increasing in some communities.¹²¹ Furthermore, the social allowance and child supplements provide the only source of income for an estimated 90 per cent of Roma families.¹²² Accordingly, it seems that rare available data on the situation of Roma in urban areas (i.e. 'non-autochthonous' Roma) reflects their overall economic situation and considerable dependence on the non-profit housing sector, and consequently, their relatively limited access to private housing, and especially privately owned accommodation. A study on migrations to the Ljubljana urban region suggests that 50 per cent of the Ljubljana Roma live in privately owned accommodation. This data indicates that their situation in terms of privately owned housing is less favourable in comparison to the majority of all the other ethnic groups living in Ljubljana (e.g. Slovenians, Italians, Hungarians, Montenegrins, and Serbs). On the other hand, their situation might be slightly better in comparison to some other ethnic groups (e.g. Albanians, Bosniacs).¹²³ Despite this, the aforementioned data obtained in the course of the last 2002 Population Census grossly underestimates the number of Roma living in the Ljubljana area, and might skew the whole picture.¹²⁴

Besides their economic situation, available information suggests that there might be some additional reasons that might have an impact on Roma access to housing. For example, it was noted that Roma families face obstacles when undertaking to improve their living conditions. According to the first interviewee from the public authorities: '*...if we talk about the cramped Roma settlements and the aspiration of certain families to get out of such conditions, to move to other areas, we may say that this is a case of discrimination, namely*

¹²⁰ Š. Urh (2003) 'The Roma people in Bela Krajina', in: V. Klopčič, M. Polzer (eds.) *Evropa, Slovenija in Romi: zbornik referatov na mednarodni konferenci v Ljubljani, 15. februarja 2002*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 131-141.

¹²¹ (2003) *Joint Memorandum on Social Inclusion of Slovenia*, p. 7, 37, available at: http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/jim_an.pdf (31.03.2009).

¹²² Slovenia/Vlada republike Slovenije (2004), *National Action Plan on Social Inclusion (NAP/inclusion) (2004 – 2006)*, p.19, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/nap_incl_2004_si_en_verseon.pdf (31.03.2009).

¹²³ M. Komac, M. Medvešek (eds) (2005) *Simulacija priseljevanja v ljubljansko urbano regijo: analiza etnične strukture prebivalstva Mestne občine Ljubljana*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 187-203, available at: http://www.inv.si/DocDir/projekti/simulacija_priseljevanja_v_lj.pdf (29.05.2009). See also Table 6 in Annex 2 of this thematic study.

¹²⁴ According to the 2002 Population Census, which was carried out by the Statistical Office of the Republic of Slovenia, there were 218 Roma living in Ljubljana. Contrary to this data, one of the rare studies dealing with the situation of 'non-autochthonous' Ljubljana Roma indicates that there are around 1,200 Roma living in Ljubljana. According to some other Roma estimates presented in this study, which are probably less reliable, as many as 3,000 Roma live in the Ljubljana area. See: M. Hrženjak, Ana M. Sobočan, Š. Urh, P. Videmšek, D. Zaviršek, J. Zorn (2008) *Romi v Ljubljani - različnost perspektiv: Zaključno poročilo raziskovalnega projekta RP 2/07*, Ljubljana: Fakulteta za socialno delo Univerze v Ljubljani, Mirovni inštitut (this research report was printed in a limited number of copies).

the smaller chance such families have to create their life elsewhere. They are observed differently both in the very Roma community, and the non-Roma community. They are not well accepted into the environments where they would like to move, or they have not been given equal opportunities in access to some housing blocks.'

In this respect, an illustrative case was recorded by the Human Rights Ombudsman in 2008. The case involved a local community that had introduced the Ombudsman to the attempts of assisting a Roma family to change their residence in Novo Mesto with the assistance of public funds. However, as a condition to municipal consent to cooperate in the process of purchasing of substitute real-estate, the internal guidelines of the Novo Mesto Municipality gave decision-making power over the settlement of a Roma family in a new environment to the other municipality. The deal failed because of the explicit opposition of Žužemberk Municipality and its inhabitants. In a media statement, the Mayor sent out a clear message that since the Municipality has had 'a series of problems with Roma in the past,' such a deal (because of the Roma ethnic origin of the interested buyers) 'would surely' be prevented. In the internal rulebook of municipal bodies (which the Mayor publicly disclosed in his own statements), the concern of the municipality where Roma are not present, and shall not be, is defined as a political goal in advance, which demands adoption of related measures. Thus, the Mayor has openly announced that Žužemberk , both in the past, in this concrete example, and in the future, would try to prevent such or similar private-law businesses, either through the procedure of issuance of a certificate on the earmarked use of land, or through pre-emptive municipal rights 'just to avoid such a thing to take place.' According to the Ombudsman, this municipality consciously creates circumstances in which racial discrimination of Roma took place, is taking place, and could easily take place. In addition, the Ombudsman also noted that such practices, which represent an illegal restriction of Roma rights to free choice of their place of residence, support and maintain, and even instigate segregation (namely spatial and social separation) of the Roma population.¹²⁵

In addition, a case of direct discrimination against Roma in access to private rental housing has been recorded by the Ombudsman. In 2006, the Ombudsman reported a case of three men, including a Roma person, who responded to an advertisement for private housing rental, and paid a visit to the landlord. The landlord snubbed the Roma person for his darker skin, and upon finding out that the person was actually Roma, explicitly refused to rent property on the grounds of his origin. He also added that the Roma man was not even a Slovenian citizen. On the other hand, he was allegedly prepared to rent the place to his two non-Roma friends. The Roma man opined that such treatment was racist, and, deeply insulted, referred the case to the Ombudsman. The Ombudsman thought that the case included substantiated evidence of ethnic discrimination. Since the

¹²⁵ Data submitted by the Human Rights Ombudsman upon request.

Ombudsman's powers do not apply to the private sector, the case was transferred to the Market Inspectorate and the Housing Inspectorate, but both agencies failed to act. Such reluctance provoked criticism by the Ombudsman.¹²⁶ Generally speaking, it must be noted that the extent of such incidents is difficult to assess, as no in-depth research or, for example, situation testing have been conducted so far in Slovenia.

1.3.4. Access to social housing¹²⁷

With regard to the provision of non-profit rental housing, the general situation in the country is relatively unfavourable. Available data shows a considerable lack of non-profit housing.¹²⁸ With regard to the Roma, the existent data on their access to non-profit rental housing indicates a mixed picture. For example, the data produced in the course of the 2002 Population Census shows that Ljubljana Roma are substantially over-represented in the non-profit housing sector (e.g. 31 per cent of the Ljubljana Roma can be found in non-profit housing, compared to 14 per cent of Bosnians, the second most represented group in non-profit housing).¹²⁹ This probably reflects their unfavourable economic situation, but also might indicate that their access to non-profit housing is relatively favourable. Despite this, it must be once again pointed out that the data produced in the framework of the 2002 Population Census might substantially underestimate the number of Roma living in Ljubljana, thus distorting the whole picture.

The same pattern may be also noted in Maribor, the second largest urban centre in Slovenia. According to 2004 data, through a Housing Fund in Maribor that covers several municipalities, 28 per cent of the Roma who made an application

¹²⁶ Slovenia/Varuh človekovih pravic, *Letno poročilo 2006*, p.35, 174, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/Varuh_LP_2006_SLO.pdf (31.03.2009).

¹²⁷ The amended Housing Act abandoned the term 'social housing.' Besides the already existing 'non-profit rental housing,' the amended Act also introduced the term 'housing units.' According to the Act, the right to adequate housing of individuals who cannot afford to purchase or rent an apartment or house for market prices (i.e. profit apartments) is protected by a possibility of applying for non-profit apartments. The possibility of renting a non-profit apartment is offered by open calls for applications organised by non-profit housing providers. Housing units are designed as a temporary solution for the most vulnerable groups or individuals who are homeless or live in extremely difficult conditions. Please note that no data on Roma access to housing units was available.

¹²⁸ Council of Europe, European Committee of Social Rights Conclusions 2006 (Slovenia): Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20 of the Revised Charter, available at: http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Slovenia2006_en.pdf (31.03.2009) [Unnumbered pages]. For example, according to these conclusions, demand for non-profit housing stood at 5,600 units.

¹²⁹ See: M. Komac, M. Medvešek (eds) (2005) *Simulacija priseljevanja v ljubljansko urbano regijo: analiza etnične strukture prebivalstva Mestne občine Ljubljana*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 187-203, available at: http://www.inv.si/DocDir/projekti/simulacija_priseljevanja_v_lj.pdf (29.05.2009)

for non-profit housing were granted an apartment, as opposed to 13 per cent of non-Roma applicants.¹³⁰ According to a representative of the 'non-autochthonous' Roma who was interviewed for the purpose of this study, the Maribor Public Inter-Municipal Housing Fund operates in non-discriminatory manner and in accordance with the legislation.

On the negative side, some earlier reports already noted that many 'non-autochthonous' Roma living in Slovenia lacked citizenship, including a lack of any legal status due to unlawful erasure (in 1992, 25,761 persons, among them many Roma, who were registered as citizens of one of the other former republics of SFR of Yugoslavia, and who choose not to apply for Slovenian citizenship or their application was rejected, were removed from the Population Register without legal basis. As a consequence, they have lost the status of permanent residents in Slovenia and associated rights and benefits, including the right to apply for the then social rental housing and later on for non-profit rental housing).¹³¹ It seems that the lack of citizenship still remains one of the most pressing issues faced by 'non-autochthonous' Slovenian Roma. Since the existing legislation stipulates that only Slovenian citizens and EU nationals with permanent residence in Slovenia are eligible for non-profit rental housing, they are not entitled to apply for non-profit rental housing, and consequently, are more vulnerable.

For example, a representative of 'non-autochthonous' Roma who was interviewed for the purpose of this study, stated that Roma in Maribor hardly wait for calls for application for non-profit rental housing issued by the local public housing fund. At the same time, they noted that many lacked citizenship, irrespective of the fact that they were born in Slovenia or have been living in Slovenia for decades. According to the interviewee, a majority of them are illiterate, and are not aware how to improve their situation or how to obtain Slovenian citizenship after.

They also reported a case of a woman with five children: *'Born here, has no citizenship, has permanent residence, lived in a shed, without sanitation, water, anything. The apartment was owned by another person. They came to pull down the apartment. I addressed various institutions, from the mayor, to the municipality, to the director of the housing fund, all over the place they showed no understanding for this woman's case. Now this woman with five children ended up on the street. She wanted to place a tent by Drava river to live there,*

¹³⁰ Information provided by the Public Inter-Municipal Housing Fund Maribor upon request.

¹³¹ See e.g. T. Perić (2001) 'Insufficient: Governmental Programmes for Roma in Slovenia. Field Report', in: *Roma Rights*, no. 2,3, available at: <http://www.errc.org/cikk.php?cikk=1717> (29.05.2009); J. Dedić (2003) 'The Erasure: Administrative Ethnic Cleansing in Slovenia', in *Roma Rights*, No. 3, pp. 17-25, available at: <http://www.errc.org/cikk.php?cikk=1109&archiv=1> (29.05.2009). For the most recent statistical data related to this issue, see: http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/2009/izbrisani-koncni_podatki.pdf (29.05.2009)

but our community managed to offer her an apartment, where she has no water or electricity. She still has no water or electricity, kids may not go to kindergarten or school since they have no place to wash.' According to additional data provided by the respondent upon request, this event took place in 2008. The respondent could not remember the exact time, but established that the Roma community needed between three to six months to secure the substitute apartment for the family. In the meantime, the family in question was accommodated by different Roma families. At the time of the event, the mother was unemployed. According to the respondent, unemployment rates for Roma women are higher than unemployment rates for men. They also noted that despite an unfavourable housing situation, the Roma community strongly encourage children to attend school. Presently, the woman's children go to school. The respondent could not remember if the woman was single. Eventually, they confirmed that at least one similar case occurs annually.

1.3.5. Forced evictions

The Slovenian context is characterised by a lack of comprehensive research studies looking into instances of forced eviction of Roma. Accordingly, such a lack of data does not allow for a thorough assessment of the extent of such practices in Slovenia. Despite this, several cases of forced eviction were noted during the monitoring period.

In 2000, two Roma groups living in two different locations in Grosuplje were removed to Smrekec by the local authorities. Smrekec is located on the outskirts of the town, behind an industrial zone. The first group had been living on private land in the hamlet of Rojnik for more than 30 years before the landlord asked the Roma to leave in 1998. The group left Rojnik and established a camp outside the municipal offices. The arrival of the Roma met opposition from locals, who demanded that the authorities do not allow the Roma to stay. Following an agreement between the municipality and the landlord, the Roma were allowed to temporarily return to their previous location. Shortly after, the landlord told the Roma that they could no longer stay in Rojnik.¹³² Once again, the Roma occupied the space in front of the municipal offices but were told by the municipality to occupy a plot of land in the industrial zone of Grosuplje. The Roma lived at the new location, for a year before the owner of the land pressed charges against the municipality for property damage. Also in 1999, a piece of land behind the local train station, on which a second Roma group had been living for almost two decades. The lot was given back to the original owner in a de-nationalisation process, and they expressed their intention to sell it. The municipality then announced its plan to purchase containers for the accommodation of the Roma, to place them in Smrekec, and to remove both Roma groups to this location. The second Roma group firmly rejected the

¹³² <http://www.errc.org/cikk.php?cikk=46&archiv=1> (29.05.2009).

municipality's plan on the account of conflicts and tense relations with the first group. Despite this, the municipality started implementing its plan in 2000, and the first Roma group allegedly voluntarily moved to the new location. The second Roma group had still been opposing the planned removal, when an order of eviction based on the Decree on Public Order in the Municipality of Grosuplje, was issued by the Municipal Communal Inspectorate. The eviction, with the assistance of the Police, took place in November 2000, when the Roma barracks were also removed. Before their arrival, a majority of Roma fled into the woods where they spent the next month. They only decided to move to the Smrekec location after a boy and a girl got sick in the cold weather.¹³³ In Smrekec, the two Roma groups are divided by a canal full of putrid water.

The case of the second Roma group was brought before the Human Rights Ombudsman and the Administrative Court. Both institutions noted that a decree is not a sufficient legal basis for an eviction, and that the eviction of the Roma was unlawful. The municipality appealed the Administrative Court's ruling, and the case was transferred to the Supreme Court. The Supreme Court reaffirmed the Administrative Court's decision, claiming that the Communal Inspectorate was not competent to remove the barracks since there was no legal basis for that. The Court also noted that such a measure represented an interference with property rights. In such a case, the owner can either use self-help, provided that conditions for it are met, or file a lawsuit at the court and pursue eviction.¹³⁴

The year 2006 saw a case of forced removal of a Roma family, which probably gained the most public attention in the period covered by this thematic study. Among other things, the fact that the Roma family live in a water protection zone was invoked to justify the forced removal of the family in question, even though they owned that land. On 23 October 2006 around 300 inhabitants of Ambrus, a village in the Municipality of Ivančna Gorica in the Dolenjska Region, gathered to demand that the municipality permanently remove a Roma family (around thirty persons, including fourteen children aged between three months and fifteen years) from Dečja vas within a week. The protest was allegedly fuelled by the unbearable life of the non-Roma population living in the vicinity of the Roma family, who were reportedly also involved in crime. The immediate cause of the protest was a violent incident the day before when a non-Roma inhabitant of the Roma settlement seriously injured an inhabitant of Ambrus. The protesters were determined to ensure the removal of the Roma by themselves if their demands were not met. The Minister of the Interior arrived

¹³³ Open Society Institute (2002) Monitoring the EU Accession Process: Minority Protection: Volume 1: An Assessment of Selected Policies in Candidate States, p.p. 620-621, available at: http://www.eumap.org/topics/minority/reports/minority01-02/minority02/international/sections/slovenia/2002_m_slovenia.pdf (29.05.2009).

¹³⁴ See: Slovenia/Varuh človekovih pravic, *Annual Report 2000: The Sixth Annual Report: Abbreviated Version*, p.94, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/vcp_lp_2000_eng.pdf (29.05.2009); Slovenia/Vrhovno sodišče/ Sodba I Up 233/2003, available at: [http://www.sodisce.si/znanje/sodna_praksa/vrhovno_sodisce_rs/17142/\(29.05.2009\)](http://www.sodisce.si/znanje/sodna_praksa/vrhovno_sodisce_rs/17142/(29.05.2009)).

in Ambrus to prevent further escalation. Under strong pressure of the non-Roma he reportedly mediated an agreement, including the removal of the Roma to some ex-military barracks in the vicinity of the Centre for Foreigners in Postojna. In his address to the protesters, the Minister promised that the Roma would not come back to their settlement. The Minister also stated that this represented an exceptional solution, influenced not only by the tensions between the local population and the Roma community, but also by the fact that a drinking water spring is located in the new area. According to the Minister, the Roma community also expressed interest to leave the place, while a representative of the Roma group stated that it was sad that they should have to leave by force.¹³⁵

The removal of the Roma family was criticized, among others, by the European Roma Rights Centre (ERRC) and AI Slovenia.¹³⁶ Also, the CoE Commissioner for Human Rights, who paid a visit to Slovenia, issued a public announcement asserting that '[i]rrespective of the background and history to the tensions, it is unacceptable that a group of people have to leave their homes because the majority population in the neighbourhood so require, and that safety of the minority group is at risk. I have also learnt that racist, anti-Gypsy language was used in threats against the Strojjan family. Among the victims of these developments were totally innocent children.'¹³⁷

The Human Rights Ombudsman, who also observed the case, noted that '[t]he excuse that the buildings posed a threat to the water system also fails to convince knowing that in the same area, several settlements exist which also threaten the drinking water to the same degree if not even more so. Some ten illegal buildings are also located within these settlements which do not seem to bother the authorities. Such a distinction – different treatment from the state in the case of Roma families and non-Roma families – represents a classic case of discrimination.'¹³⁸ On the other hand, the Slovenian equality body under the Racial Equality Directive, which also heard the case, established that there was no discrimination against the Roma (see also Annex 2).

As also noted in previous sections, cases of forced eviction also occur in the Municipality of Maribor (see Paragraph 134 and 135 of this thematic study).

In the period covered by this study, the ERRC also noted several cases where Roma were threatened with eviction with no prospect of alternative

¹³⁵ All the statements were featured in a programme produced by the largest private TV station in Slovenia, and are available at the following link:

http://24ur.com/bin/article.php?article_id=3083122&show_media=16143152. Unfortunately, at the time of writing this thematic study, the link did not function.

¹³⁶ <http://www.errc.org/cikk.php?cikk=2653> (31.03.2009).

¹³⁷ <https://wcd.coe.int/ViewDoc.jsp?id=1066243&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679>, (16.01.2007).

¹³⁸ Slovenia/Varuh človekovih pravic (2007), Annual Report 2006, pp. 15-16, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/Varuh_LP_2006_ANG.pdf (31.03.2009)

accommodation. These include a 2003 case of a mentally-disabled Roma man who was to be evicted on account of allegedly being in arrears for rent;¹³⁹ cases in 2004 of several families in, among others, the municipalities of Novo mesto and Škocjan. The families in question were to be evicted on the grounds of unregulated settlement. Field research conducted by the ERRC in 2005, showed that these evictions have been postponed.¹⁴⁰

1.3.6. Legality and legalisation of settlement

In Slovenia, many Roma live in unregulated settlements. Since the regularisation of the settlements is a necessary precondition for legal access to public utilities, this tends to be the most pressing issue faced by these communities. The irregularity of Roma settlements appears on two levels: on the level of existing local spatial documents and regulations (e.g. the accommodation is built on non-building land), and on the level of administrative permits (issued to individual investors), where the accommodation is built on building land, but without a permit.

In 2004, the Office for National Minorities produced one of the first comprehensive reports on the situation of Slovenian ('autochthonous') Roma. Among other things, it was based on a survey among municipalities where the Roma were 'traditionally settled.' It is interesting that the questionnaire was provided to 26 municipalities, six more than defined in the legislation on local self-government as municipalities with traditional Roma settlements.¹⁴¹ Clearly, this points to the arbitrariness of the current legislation. Moreover, it points to the fact that it not only cuts between 'autochthonous' and 'non-autochthonous' (i.e. immigrant) Roma communities, but also between long-established communities. With regard to the situation of Roma settlements, the report noted the generally unfavourable housing situation, but also stated that this was highly varied – from settlements which were fully legalised and with some infrastructure, to illegal settlements without any infrastructure and also without any available plans from the municipalities.

This report also indicated that there were relevant aspects related to the legalisation of the Roma settlements which might also further aggravate this process. Among other things, these include: land-use problems (settlements are often located in agricultural areas, and not in areas which have been designed as residential areas); ownership problems (land on which Roma settlements are located is relatively rarely owned by the Roma); lack of resources on the part of municipalities (albeit a municipality is prepared to adopt relevant spatial plans and purchase the land owned by non-Roma, it lacks finance). Cases were also

¹³⁹ <http://www.errc.org/cikk.php?cikk=1357&archiv=1> (29.05.2009).

¹⁴⁰ <http://www.errc.org/cikk.php?cikk=2198&archiv=1> (29.05.2009).

¹⁴¹ One of these municipalities stated that no Roma live on its territory.

reported when the local non-Roma opposed the adoption of relevant spatial documents aimed at regularisation of Roma settlements. In addition, there was at least one case when a municipality approached the landowners in order to purchase relevant plots for the purpose of legalisation, but was turned down because the owners believed that, as a result, the Roma would leave.¹⁴²

According to data obtained through a 2007 survey among the relevant local administrative units, some progress may be noted, as more and more municipalities adopt relevant spatial planning regulations, which represent a starting point towards full regularisation of Roma settlements. Despite this, the issue of legalisation is still the most pressing issue faced by the Roma. The aforementioned data once again confirmed a varying picture - from municipalities which included all- Roma settlements on their territory into their spatial plans, to municipalities which undertook no steps in this regard.

In 2007, a new Spatial Planning Act¹⁴³ was adopted by the National Assembly. According to the Act, municipalities shall be obliged to produce new spatial plans. This process, which is underway, can serve as a useful tool in regularising Roma settlements in terms of spatial planning. The process is also an indicator showing the level of commitment by the relevant local authorities towards improving living conditions of members of the Slovenian Roma communities.

1.3.7. Movement, encampment¹⁴⁴ and use of private land

In Slovenia, no systematic and comprehensive data on the nature or extent of Roma migrations is available. Available studies suggest that the Slovenian Roma are a sedentary population, and this might probably be the reason for the lack of data.¹⁴⁵

Available data shows that a majority of Roma settlements have been established on land owned by the state, municipalities or private landlords.¹⁴⁶ This puts the Roma in an uncertain situation, where they might be subject to eviction at any time, even in cases when they have been a long-established community in a

¹⁴² Slovenia/Urad za narodnosti (2004) *Poročilo o položaju Romov v Republiki Sloveniji (2004)*.

¹⁴³ Slovenia/SOP 2007-01-1761 (30.03.2007).

¹⁴⁴ The NFP was not aware of any data on regular encampment facilities adapted to accommodate Roma.

¹⁴⁵ Other data, such as, for example, data related to the number of Roma settlements over time, has not been used as a possible point of departure for further research into possible Roma migrations and possible reasons for their migrations (e.g. movements to other areas with better living conditions, possible disputes within Roma communities, possible patterns of segregation, forced evictions).

¹⁴⁶ See e.g. J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: *Dela*, No. 27, p.p. 244-246, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (29.05.2009).

specific area. A worsening factor was also the process of de-nationalisation - property that had been nationalised by the state at the end of World War II was given back to the pre-nationalisation owners. In the case of Roma who had often lived on what was state/municipal land, this meant that their settlements were now on private property. This might lead to forced evictions of the Roma.

Ownership problems are also closely related to the legalisation process, which may only provide for the provision of basic public amenities to Roma settlements. Data suggests that Roma settlements are sometimes built on plots of land owned by a number of private landlords (e.g. more than twenty). As a result, when a municipality decides to purchase the land in order to regularise a Roma settlement, it must negotiate a deal with all the landlords, thus further delaying an already lengthy procedure. Available data also indicates reluctance on the part of landlords to sell their land for the purpose of regularisation of Roma settlements. In this respect, the situation in the Dolenjska Region is considerably worse compared to the situation in the Prekmurje Region.¹⁴⁷

1.3.8. Access to public utilities

In general, the Slovenian Roma community is among the most disadvantaged groups with regard to access to public infrastructure. There are, however, marked differences in the situation of different Roma communities. In comparison to the Roma living in Roma settlements in the countryside, the urban Roma population, namely the 'non-autochthonous' Roma, face a more favourable basic public amenities situation .

Regarding the situation of Roma settlement, the available data also clearly demonstrates that the regularisation of a settlement provides for considerable improvement in terms of public infrastructure access for the Roma. The housing conditions for Roma in settlements, which have been completely established outside building land, and where there are no available plans from municipalities for their inclusion in the relevant spatial planning regulations, tends to be worse. Such examples are some settlements in the Municipality of Kočevje, and all Roma settlements in the municipalities of Ribnica and Škocjan,¹⁴⁸ where the Roma have no access to basic amenities. It might be interesting to note that Roma have been living in the Municipality of Škocjan, since the 1960's, but no steps towards possible regularisation have been

¹⁴⁷ See: J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: *Dela*, No. 27, p.p. 244-246, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (29.05.2009); J. Zupančič (year, when the document was produced could not be identified) *Stanje in perspektive romskih naselij v Sloveniji: od analize k novi rekonstrukciji* (ppt presentation).

¹⁴⁸ There are three Roma settlements in the Municipality of Ribnica and two Roma settlements in the Municipality of Škocjan.

undertaken by the local authorities. Rather, it seems that the municipality intends to relocate the Roma settlements.

Access to sewers tends to be one of the most problematic issues. Available data shows that only a small number of Roma settlements are connected to sewage system. A report underlined the situation in Hudeje, in the Municipality of Trebnje. According to the report, sanitation conditions were disastrous in this settlement. There were no sanitation facilities, and the location was full of rats. Also, no waste removal service was provided.¹⁴⁹

Research also suggests that access to public transport for the Roma is a problematic issue. A majority of Roma settlements are located off the main roads, lacking both access roads and road infrastructure within the settlements.¹⁵⁰

1.3.9. Access and quality of housing for third-country Roma immigrants (especially for Roma EU nationals)

Available studies include very little data on the housing situation of third-country nationals (hereinafter TCN) and EU nationals, and practically no data on Roma immigrants. Due to this, only some general remarks on the situation of TCN and EU nationals, which also apply to immigrant Roma, may be provided. Current legislation stipulates that only Slovenian citizens and EU nationals with permanent residency in Slovenia are eligible for non-profit rental housing, favourable housing loans and rent subsidies. Other categories, including TCN and EU nationals who are not permanent residents, do not have access to aforementioned provisions. According to a study on access of immigrants to decent housing, funded by the EU Commission, they are consequently in a weaker position with respect to access to decent housing.¹⁵¹

¹⁴⁹ Slovenia/Urad za narodnosti (2004) *Poročilo o položaju Romov v Republiki Sloveniji (2004)*, Annex 2, p. 29.

¹⁵⁰ J. Zupančič (2006) 'Funkcije in problemi romskih naselij v luči boljše družbene integracije Romov', in: V. Klopčič, N. Žagar (eds) *Poklicno informiranje in svetovanje za Rome - PISR*, Črnomelj: Zavod za izobraževanje in kulturo, p. 56-74, available at: http://www.zik-crnomelj.eu/images/stories/dokumenti/pisr/zbornik_pisr.pdf (29.05.2009).

¹⁵¹ Joint Centre for Scottish Housing Research (2004) *Policy Measures to Ensure Access to Decent Housing for Migrants and Ethnic minorities*, p. 164, available at: http://ec.europa.eu/employment_social/social_inclusion/docs/decenthousing_en.pdf (29.05.2009).

In September 2006, the Government adopted a document¹⁵² prepared by the Ministry of Labour, Family and Social Affairs within the framework of the EU Open Method of Coordination (OMC). The document lists, among other things, the inclusion of migrants among the priority objectives with regard to social protection and social inclusion. It is important to note that the paper represents virtually the only document to address migrants as a vulnerable group, including in respect to housing. According to the Ministry, the situation in the housing sector is unfavourable due to shortages of dwellings and high market prices. Therefore, the solution of the migrant housing situation represents a matter of urgency.¹⁵³ In spite of this, no comprehensive measures have been adopted so far.

In October 2007, a non-Roma TCN with long-term resident status, and the a of Bosnia and Herzegovina, submitted a request to the Constitutional Court for the assessment of compliance with Article 87, Para. 5 of the Housing Act¹⁵⁴ with the Constitution. The latter lays down beneficiaries of the non-profit housing rental scheme, but it only includes Slovenian citizens.¹⁵⁵ The complainant was of the opinion that the said provision ran contrary to the Constitutional provisions providing for equality before the law. They called for an immediate application of legal acts under the international organisation to which Slovenia transferred a part of its sovereign rights in connection to the provisions of the Council Directive 2003/109/EC laying down equal rights of citizens and long-term residents regarding access to housing. Since the Court rejected the petition, the state of affairs remains unchanged, and non-profit rental housing is still not accessible for other groups, including persons holding permanent residence permits. As many Roma are without citizenship, and also lack the means to buy or rent accommodation at the market, they are markedly affected by this provision of the Housing Act. This is especially the case with the Roma living in urban centres.

¹⁵² Slovenia, Ministry of Labour, Family and Social Affairs (2006), *National Report on Strategies for Social Protection and Social Inclusion*, p. 14-15, available at: http://ec.europa.eu/employment_social/social_inclusion/docs/2006/nap/slovenia_en.pdf, (11.10.2006).

¹⁵³ As regards the housing sector, specifically-mentioned initiatives include financial assistance for private accommodation of newly recognised refugees for the period of three years with special attention to be devoted to suitable accommodation for vulnerable groups among refugee populations (e.g. children, disabled persons, pregnant women, single parents and victims of discrimination), as laid down in the newly amended asylum legislation. In addition, the purchasing of three integration houses also aimed at refugee population is envisaged. Other migrant groups have not been specifically addressed in this report in relation to their housing situation.

¹⁵⁴ Slovenia/SOP: 2003-01-3312, (19.06.2003).

¹⁵⁵ Upon fulfilling the principle of reciprocity, Article 160 of the mentioned Act stipulates also the right of EU nationals with permanent residence in Slovenia to apply for non-profit housing.

1.3.10. Campaigns undertaken by authorities on their right to adequate housing

The NFP came across no information that campaigns increasing the knowledge of the Roma about their right to adequate housing have been carried out in Slovenia during the monitoring period.

1.3.11. Conclusions

This situation of the Roma community was observed by various international monitoring bodies. For example, the Commissioner for Human Rights of the Council of Europe noted that ‘prejudices not only manifest themselves in relations between individuals, but frequently impact on the conduct of local authorities, leading, for instance, to uneven allocation of resources for infrastructure and housing projects between Roma and other inhabitants.’¹⁵⁶

The Advisory Committee on the FCPNM also asserted in its Second Opinion on Slovenia¹⁵⁷ that serious problems remain in the field of housing ‘with a significant number of Roma continuing to live in substandard conditions, and, in many cases, illegal settlements.’ These problems were often accentuated by local authorities by their reluctance to assist Roma in the face of prejudice by the non-Roma population. The Committee further noted that improvements in the situation of the Roma have not been evenly distributed, singling out the Dolenjska Region where problems range from housing conditions, to employment, health and education. The Committee thought that ‘these differences between Roma residing in different localities appear to result from numerous factors, including; the political commitment of local authorities, regional economic development, and the involvement and efficacy of Roma councillors and organisations.’

ECRI also noted in its last report on Slovenia that a distinction between ‘autochthonous’ and ‘non-autochthonous’ Roma still applies, including in housing. This distinction limits the impact of measures aimed at the Roma. Additionally, ECRI asserted that ‘housing is one of the areas where progress for Roma is reported to be minimal since ECRI’s last report.’ For this reason, ECRI

¹⁵⁶ Council of Europe, Office of the Commissioner for Human Rights (2003), *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Slovenia 11 – 14 May 2003*, p.6, available at:

[http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/CommDH\(2003\)11_E.doc](http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/CommDH(2003)11_E.doc)

¹⁵⁷ Council of Europe – Advisory Committee on the Framework Convention for the Protection of National Minorities (2005), *Second Opinion on Slovenia*, pp. 16-17.

called on the Slovenian authorities to adopt a thorough strategy to address the unfavourable housing situation of the Roma.¹⁵⁸

Researchers pointed out that any effort aimed at socially integrating Roma should necessarily include the issue of housing standards. Unfortunately, no comprehensive research on how the housing situation affects Roma employment, education and health has so far been conducted. Researchers also point out that those Roma who manage to escape from the cycle of social exclusion often abandon their Roma identity and links to the Roma community due to strong prejudice.¹⁵⁹

In spite of the lack of comprehensive data clearly establishing correlations between the Roma housing situation and other social fields, many individuals interviewed for the purpose of this study clearly noted that housing deprivation clearly has an impact on the general situation of Roma, and particularly on children. For example, the representative of the public authorities stressed the situation in the Dolenjska Region: *'In the Dolenjska Region, there is still lack of water supply, electricity, public utilities, e.g. roads and transport connections. The school kids have also been stigmatized as a consequence of these difficulties, namely that they are dirty, that they do not do their homework, that they have no electricity, live in cold places...these are really tough stories, e.g. in Kočevje, and in Ribnica, and, now, e.g. in Grosuplje, the Roma live in poor conditions.'*

According to the representative of the Roma councillors: *'Yes, these Roma settlements have not been provided, more or less, with the basic communal infrastructure, which prevents these Roma from getting involved in community life on an equal footing. In these Roma settlements, a Roma settlement has only one function, to provide the Roma with a place to live. But other functions which would provide an opportunity for education, employment, and spare time activities are not provided for. Thus, these Roma settlements provide only for the living space, and the end result is as it is, which consequently influences the inclusion of these Roma children into the community, since the unarranged settlement in which Roma live also means a non-stimulating environment in terms of improvement.'*

In a similar vein, the representative of a Roma association noted the following: *'One thing is sure. Where there are no living conditions, in one way or another,*

¹⁵⁸ ECRI (2007) *Third Report on Slovenia*, p.31, 34-35, available at: http://www.coe.int/t/e/human_rights/ecri/1%2Decri/2%2Dcountry%2Dby%2Dcountry_approach/slovenia/Slovenia%20third%20report%20-%20cri07-5.pdf (19.10.2007).

¹⁵⁹ J. Zupančič (2006) 'Funkcije in problemi romskih naselij v luči boljše družbene integracije Romov', in: V. Klopčič, N. Žagar (eds) *Poklicno informiranje in svetovanje za Rome - PISR, Črnomelj: Zavod za izobraževanje in kulturo*, p. 59, available at: http://www.zik-crnomelj.eu/images/stories/dokumenti/pisr/zbornik_pisr.pdf (31.03.2009). See also the next chapter, including the summary with the findings of the interviews conducted for the purpose of this thematic study.

then rights have been breached, also in cases when a child has no basic right to education, when a child has no bed and no room, let alone teaching aids, a table, at least some basic things. Such a child has nothing which would enable him/her to have a decent life, or at least a decent childhood. When it comes to women, as I said before, there is no hygiene. Diseases spring up, various conflicts spring up. Then, to put it bluntly, where there is no proper apartment, living conditions are not arranged, and many children, once they become aware of such distress, leave home even when still under age. Then they delve into some negative things, to put it this way. These are all of the conditions arising in such situations.'

1.4. Case law and complaints relating to the housing of Roma

In Slovenia, persons whose rights were violated, including victims of racism and discrimination on the grounds of race, ethnic origin or religion may protect their rights. These rights may be defended by utilising various procedures, depending, for example, on the particularities of a violation or expected results by the victim (e.g. termination of discriminatory practice, damage claims, or punishment of the violator).

For example, the Advocate of the Principle of Equality is a Racial Equality Directive body which became active in January 2005, and was established on the basis of the Act Implementing the Principle of Equal Treatment,¹⁶⁰ (*inter alia* transposing the Racial Equality Directive). Anyone who faces unequal treatment may approach the Advocate. The Advocate hears cases of alleged discrimination in both the private and public sector with the intention to disclose cases of unequal treatment and to raise awareness of the issue. The hearing of a case is informal and free of charge. A case is concluded by a written opinion in which the Advocate states her or his findings and provides an assessment of the case. If there is a case of discrimination, the Advocate informs both parties about it. The Advocate may point out irregularities and issue recommendations on how these should be rectified, as well as call for the alleged offender to inform her/him within a specified time-limit of the measures taken. Since the hearing of the case is informal, and, as a consequence, only a non-binding opinion may be issued by the Advocate, the Advocate may, in the case of discrimination irregularities not being rectified, refer the case to the competent inspection services. The competent inspectorate is then obliged to deal with the opinion of the Advocate. If the inspector establishes that a case exhibits all signs of discrimination, he/she must introduce the legal procedure for a misdemeanour.

¹⁶⁰ Slovenia/SOP 2004-01-2295 (22.04.2004).

In the period covered by this thematic study, the Advocate dealt with one case, namely the much publicised case of the forcible removal of a Roma family from their land. In this case, the Advocate established no that discrimination occurred. This case is presented in Annex 2.

In addition, an individual affected by discrimination may approach the Human Rights Ombudsman. The Ombudsman investigates individual complaints. A complaint may be lodged by any person who believes that his/her human rights or fundamental freedoms have been violated, provided that he/she has exhausted all legal means to reach a solution to the alleged violation. If legal remedies do not succeed in rectifying the situation, and the victim believes that he/she has done everything possible, or simply does not know what to do, he/she may then turn to the Ombudsman. The proceedings are informal and free of charge for the complainants. In case a petition submitted to the Ombudsman gives ground for suspicion of discrimination, the Ombudsman may cede his/her responsibility to the competent inspection services, which are then obliged to deal with the Ombudsman's opinion. Some of the cases observed by the Ombudsman are presented in Annex 2.

Furthermore, everyone, including persons affected, as well as individuals or organisations acting in support or on behalf of persons affected, or simply noticing a case of discrimination, may lodge a complaint or declare a case of discrimination to the competent inspection services. The inspectorates oversee the implementation of laws and other regulations, collective agreements and general documents in an individual administrative field. With respect to housing, two inspectorates are competent, namely the Market Inspectorate and the Housing Inspectorate established within the Inspectorate for the Environment and Spatial Planning.¹⁶¹ In practice, however, as the prohibition of discrimination is not systematically implemented into sectoral legislation (e.g. housing legislation, consumer protection legislation), this leads to a situation where, in the absence of clear regulations, it is not possible to determine which inspectorate is obliged to deal with complaints alleging discrimination and whether a certain field is covered by any inspectorate.

For instance, the Human Rights Ombudsman reported on a case of discrimination in the field of housing which occurred in the private sector, and

¹⁶¹ As noted earlier, according to the Act Implementing the Principle of Equal Treatment, the Advocate of the Principle of Equality, may in cases when the alleged violator fails to cooperate with the Advocate or when irregularities established by the Advocate have not been rectified, and an alleged violation exhibits all signs of discrimination, refer the case to competent inspectorate. The Act also stipulates that '[a] competent inspectorate is an inspection service which by law has jurisdiction over an individual administrative field as regards the supervision of the implementation of laws and other regulations, collective agreements and general documents, where action which represents discrimination under the provisions of this Act has occurred.'

thus fell outside its competencies.¹⁶² A Roma person responded to an advertisement for private housing rental, but the landlord, upon finding out that the person was actually Roma, explicitly refused to rent property on the grounds of his ethnicity. The Ombudsman then transferred the case to both the Market Inspectorate and the Housing Inspectorate. Both agencies failed to act. While the Market Inspectorate asserted that it is competent to deal only with cases involving enterprises (e.g. legal persons) and consumers,¹⁶³ the Housing Inspectorate failed to provide a clear response regarding its competencies.¹⁶⁴ This case is also presented in Annex 2.

In addition, an affected individual may start a civil procedure for compensation before the relevant civil court when discrimination resulted in immaterial or material damages. When discrimination or other violations of one's rights arise from a decision by an administrative body, the person may file a suit with the competent administrative court.

In cases of serious violations of discrimination, an individual may lodge a denouncement with the police or competent district attorney under relevant provisions of Article 131 of the Penal Code, providing for the principle of equality on, among other things, grounds of race, ethnic origin or religious affiliation., Article 297 is also relevant, banning incitement to racial hatred, strife and intolerance. One case under the (then) Article 300 of the Penal Code related to housing is presented in Annex 2.¹⁶⁵

Additionally, a complaint may be filed with the Constitutional Court of the Republic of Slovenia in relation to human rights violations. Proposals for the assessment of the constitutionality of laws and regulations may also be addressed to the Court, provided that the complainant establishes his/her legal

¹⁶² Slovenia/Varuh človekovih pravic, Letno poročilo 2006, p. 174, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/Varuh_LP_2006_SLO.pdf (31.03.2009).

¹⁶³ The Consumer Protection Act only stipulates that a company shall provide consumers with goods under equal conditions. Being a natural person, the aforementioned landlord does not fall under this provision. Also, it is interesting to note that the Housing Act differentiates, between non-profit rental housing and market rental housing. Therefore, the aforementioned landlord offers market rental housing. However, the Housing Act does not grant any mandate to the Market Inspectorate in this respect.

¹⁶⁴ Slovenia/Varuh človekovih pravic, *Letno poročilo 2006*, p.35, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/Varuh_LP_2006_SLO.pdf (31.03.2009). However, in its response to the NFP, the Housing Inspectorate asserted that the case fell beyond its competencies. The relevant sectoral legislation, namely the Housing Act, which governs the work of the Housing Inspectorate, does not include any anti-discrimination provisions. According to the Act, the Housing Inspectorate is tasked to monitor the implementation of public interest in the field of housing, which is defined as assuring the conditions for effective management of multi-unit dwellings and assuring that multi-unit dwellings are in such condition as to allow for normal use.

¹⁶⁵ In November 2008, a new Penal Code entered into force, and Article 300 of the former Penal Code became, with slight modifications, Article 297 of the new Act. Therefore, Article 300 of the former Act has been relevant for almost the entire period covered by this thematic study.

interest. Two rulings by the Court indirectly influencing the Roma housing situation are presented in Annex 2.

1.5. Identifying good practices

Title: *Zakon o romski skupnosti v Republiki Sloveniji/ Roma Community Act.*¹⁶⁶

Organisation/ institution: *Državni zbor Republike Slovenije/ National Assembly of the Republic of Slovenia.*

Type of organization/institution: Supreme legislative institution.

Type of initiative: Legal initiative. On the basis of the Act, a national programme of measures should be adopted. In the programme, the budget should be specified. The programme is currently under preparation.

Rationale: Following a series of warnings and recommendations by relevant institutions, including the Human Rights Ombudsman and international monitoring bodies, the National Assembly adopted this Act in 2007. The Act specified that the particularly unfavourable situation of Roma in a number of fields should be addressed by a comprehensive legal mechanism, based on the 1991 Constitution which granted special rights to the Slovenian Roma.

Objectives: Implementation of special rights of the Slovenian Roma.

Target group: Roma communities living in Slovenia.

Time frame and location: Indefinite period of time. Regions with Roma population regarded as 'autochthonous' (i.e. traditionally settled).

Brief description of main activities: The Act stipulates that the Republic of Slovenia ensures the implementation of special rights in the field of education, culture, employment, spatial planning and environmental protection, health and social care, information and participation in decision-making in public affairs related to members of the Roma community. This is done on the basis of laws, implementing acts, acts of self-governing local communities and with special programmes and measures of state bodies and bodies of self-governing local communities. The description of the relationship between the state and municipalities is included in Article 5 of the Roma Community Act. Article 5 stipulates that state bodies and the bodies of the self-governing local communities ensure conditions for regulating the spatial problems of Roma settlements, and for improvement of living conditions of the members of the

¹⁶⁶ Slovenia/SOP 2007-01-1762 (30.03.2007).

Roma community (paragraph 1). Regulation of such spatial problems is realised by designing appropriate spatial plans. These spatial plans are, in accordance with the legal provisions in the field of spatial planning, considered as spatial plans of local importance or spatial plans of state importance if a city or municipal council passes an initiative to the government or if the government adopts such a decision on its own (paragraph 2). The government may adopt the required measures on its own initiative if the lack of legal and infrastructural regulation of Roma settlements in a self-governing local community leads to a serious threat to health, long-lasting disturbance of public order, or a permanent threat to the environment. In such a case, the government may intervene with a state spatial act in the territory of any municipality, and on a primary basis, in the territory of a municipality which did not fulfil its obligations (see previous paragraph). The procedure used for the preparation and adoption of such a spatial act is the shortened procedure as defined by the rules in the field of spatial planning (paragraph 3). The resources for implementation are ensured in the state budget of the Republic of Slovenia. In addition, the Roma Community Act includes Articles 7 and 9, providing for the establishment of working bodies monitoring the situation of the Roma in all municipalities which are (pursuant to the Local Self-Government Act)¹⁶⁷ obliged to have an elected Roma councillor in their councils, as well as for the establishment of Council of the Roma Community that represents the interests of the Slovenian Roma in relation to state bodies. A few respondents noted on the basis of their experience that such bodies could play a role in discussing and arranging matters of relevance for the Slovenian Roma communities, including matters in the field of housing. However, there is as yet no comprehensive assessment of the work of these bodies.

Involvement of Roma in the design, implementation and assessment: According to available data, several Roma representatives were involved in the process of the preparation of the Act.

Any specific focus on Roma women, children, the elderly or persons with disabilities: The Act does not include specific references to aforementioned groups.

Difficulties and limitations encountered: With regard to the limits of this Act, one of its main deficiencies is that it reproduces the current distinction between 'autochthonous' and 'non-autochthonous' Roma, and therefore fails to address the needs of the Roma living in Slovenia. Many Roma in Slovenia are considered recent immigrants and thus 'non-autochthonous.' On the practical side, it is worth mentioning that public authorities failed to respect the deadline for the adoption of the programme of measures defining tasks to be undertaken

¹⁶⁷ Other municipalities where the Roma live, which are not listed in the Local Self-Government Act, may also establish relevant bodies if they wish so. One such example is the Municipality of Maribor, which established such a commission, although it was not mandatory by the law.

by relevant national and local bodies regarding the implementation of the Act, and so far no programme of this kind has been adopted.

Any impact assessment or other evaluation: According to available data, no assessment of the impact of the Act has been conducted yet. Before the adoption of a relevant national programme of measures and its implementation, it is too early to evaluate the impact of the Act.

Sustainability: The Act should provide for sustainable implementation of special rights for the Roma. As noted earlier, it is too early to assess this.

Possibilities for transferability and mainstreaming: No data available.

Title: *Izvedbeni program pomoči občinam pri urejanju najnujnejše komunalne infrastrukture v romskih naseljih*/The Implementation Programme of Assistance to Municipalities in Solving Urgent Communal Infrastructure in Roma Settlements.

Organisation/ Institution: Vlada Republike Slovenije/Government of the Republic of Slovenia; *Služba vlade za lokalno samoupravo in regionalno politiko*/the Government's Office for Local Self-Government and Regional Policy.

Type of organisation/institution: Government.

Type of initiative: Co-financing projects of construction of basic communal infrastructure in Roma settlements.

Total budget and sources of funding: On the basis of the programme, a public tender was issued in 2005 by the Government's Office for Local Self-Government and Regional Policy, which provided funds for the initiative. Of the approximately € 2,490,000 foreseen by the 2005 call, approximately € 2,160,000 were allocated to successful applicants (i.e. municipalities) between 2005 and 2008. As a continuation of the programme, two similar public tenders were issued in 2007 and 2008. The 2007 call foresaw the allocation of approximately € 2,725,000 to projects between 2007 and 2009. By 10 February 2009, approximately € 1,687,000 was allocated to successful applicants. The 2008 call foresaw the allocation of approximately € 1,478,000 to projects between 2008 and 2010. As of 10 February 2009, approximately € 292,000 were allocated.

Rationale: By reviewing a report of the Office for National Minorities on the situation of the Slovenian Roma and the implementation of the 1995 Programme of Measures for the Assistance to Roma, the government noted in 2004 that housing deprivation is one of the most pressing issues faced by the Roma community. The government also noted that municipalities alone hardly

ensured sufficient funds aimed at Roma because of the opposition on the part of local non-Roma. For this reason, municipalities largely relied on the state budget. Due to specific features of the Roma housing situation (e.g. ownership issues, problems with obtaining land, problems with ensuring required consents), the preparation of an investment and other relevant documentation by municipalities required considerable funds and time. According to the government, the state provided limited resources through public calls in the past, and because of this the success of municipalities with their applications was rather uncertain. As a result, municipalities rarely decided to prepare relevant documentation and to apply for state funds. To counter this, the government decided to adopt a multi-annual co-financing programme in order to provide more funds for specific projects, and at the same time, enable municipalities to secure co-financing over a longer period of time.

Objectives: Enhancing the development of regions where members of the Slovenian Roma community live by means of providing funds for the construction of basic infrastructure in Roma settlements.

Target group: Roma living in municipalities which are listed in the Local Self-Government Act as municipalities with traditionally settled Roma. It must also be noted that only municipalities with an elected Roma councillor are eligible to apply for funds.

Time frame and location: Projects financed through the Implementing Programme took place between 2005 and 2007. Projects financed through the two additional calls should be undertaken between 2007 and 2010.

Brief description of main activities: The programme was a continuation of a 2002 tender issued by the *Ministrstvo za gospodarstvo* [Ministry of the Economy] and especially of a 2004 tender published by the *Javni sklad RS za regionalni razvoj in ohranjanje poseljenosti slovenskega podeželja* [Public Fund of the Republic of Slovenia for Regional Development and Preservation of the Settlement of Slovenian Rural Areas]. In comparison to the two previous tenders, government funds allocated in the framework of 2005 Implementing Programme and the two calls in 2007 and 2008 more than doubled. The number of municipalities which obtained funds rose by almost 100 per cent. The projects supported within the programme framework include, amongst others, the construction of access roads to Roma settlements, the electrification of Roma settlements, the construction of waterworks and sewage systems and the purchase of land with the purpose to regularise Roma settlements. The programme and the two additional tenders represent the major government initiatives in this respect.

Involvement of Roma in design, implementation and assessment: No data available.

Any specific focus on Roma women, children, the elderly or persons with disabilities: The above programme and the two tenders do not include specific references to the aforementioned groups.

Difficulties and limitations encountered: The initiatives were implemented only in municipalities inhabited by 'autochthonous' Roma. Municipalities with 'non-autochthonous' Roma were not entitled to submit their applications.

Any impact assessment or other evaluation: No comprehensive data available. With the exception of the Municipality of Grosuplje,¹⁶⁸ all other municipalities eligible to apply to tenders obtained funds for various purposes (e.g. The Municipality of Metlika undertook the electrification of a Roma settlement. The Municipalities of Beltinci, Lendava and Črnomelj purchased land for the purpose of regularisation of Roma settlements. Some other municipalities engaged in building access roads to Roma settlements and in the construction of waterworks and sewage systems. Available data also shows that 15 out of 19 municipalities utilised more than 85 per cent of available funds by the end of 2008.

Sustainability: According to the government, this type of funding should be practiced until the adoption of a systemic act related to the Slovenian Roma. Such an act, namely the aforementioned Roma Community Act, was adopted in 2007. According to the Act, a national programme implementing special rights of the Roma, including in housing shall be adopted. However, it has not been adopted so far.

Possibilities for transferability and mainstreaming: No data available.

Title:¹⁶⁹ *Legalizacija romskega naselja Kerinov Grm*/Legalisation of Roma settlement Kerinov Grm.

Organisation/institution: *Občina Krško*/ Municipality of Krško.

Type of organisation/institution: Local self-governing community.

Type of initiative: Local project improving the housing of Roma.

¹⁶⁸ The Municipality of Grosuplje is the only municipality with no Roma councillor elected to the Municipal Council, as foreseen by the 2002 amendments to the Local Self -Government Act. Because of the Municipality's failure to comply with the law, it was not entitled to participate in the programme and relevant tenders.

¹⁶⁹ According to the obtained data, it seems that no original title of the project exists. For this reason, the NFP introduced a title reflecting to some extent the nature of the initiative.

Total budget and sources of funding: App. € 628,000 (the sum includes investments in the preparation of relevant documents for the regularisation of the settlement, purchase of land and construction of waterworks). A further € 179,000 are planned to be invested in the construction of an access road to the settlement in 2009, and a relevant call for tender has already been published by the municipality. The municipality also applied for funds for the construction of road infrastructure within the settlement. The sources of funding were the Municipality of Krško, the Government's Office for Local Self-Government and Regional Policy, *Javni sklad Republike Slovenije za regionalni razvoj in razvoj podeželja* [Public Fund of the Republic of Slovenia for Regional Development and Development of Rural Areas].

Rationale: The municipality undertook the project only after the Roma clearly expressed their interest in the regularisation of their settlement.

Objective: Regularisation of Roma settlement and further improvement of living conditions in the settlement.

Target group: Roma living in the Roma settlement of Kerinov Grm,

Time frame and location: 2002 - present. Kerinov Grm, a Roma settlement in the Municipality of Krško.

Brief description of main activities: At the local level, the regularisation of the Kerinov Grm, the largest Roma settlement in the Municipality of Krško with 172 inhabitants, is considered to be an example of good practice. In 2002, the municipality amended its long-term spatial plan as a first step towards the regularisation of the settlement. In 2003, the municipality started preparing the spatial plan, and in 2005 the Ordinance on the spatial plan for the Roma settlement Kerinov Grm was adopted. In order to legalise the settlement, an agreement was reached with the 35 owners of the land, and the municipality bought the 40,424 square meters of land at the cost of Euro 7,5 per square meter. In cooperation with the state, the status of the area was changed from agricultural to building area. The land was then parcelled out in accordance with the spatial plan which foresaw 34 parcels for the existing houses and an additional 14 parcels for new construction. Space was reserved for public areas, including a main square with a multi-functional building, sports and recreational areas, children's playground, green areas and a bus station. and running water and electricity were delivered to the settlement. In 2006, the municipality council adopted a decision to sell the land to the Roma at the price of Euro 6 per square meter. To date, 12 parcels have been bought by the Roma and an additional 10 applications were submitted to the municipality for consideration. A substantial role within this initiative was played by two NGOs, *Društvo za razvijanje preventivnega in prostovoljnega dela* [the Association for the Development of Preventive and Voluntary Work] from Ljubljana and *Društvo zaveznikov mehkega pristanka* [the Society of Allies for Soft Landing] from Krško. The NGOs were instrumental in motivating the Roma to consider the

legalisation of the settlement and the possible consequences in terms of their responsibility and commitment. Only after the Roma expressed their willingness did the municipality decide to undertake the project. The NGOs also provided valuable advice regarding the spatial plan, so that it would reflect the Roma culture and their way of life (allowed for the freedom in designing of objects and picking of façade colours, foresaw space for breeding and pasturage of domestic animals (e.g. chickens, sheep and horses), made space for a multi-functional counselling office intended for common use by the Roma and visitors, a children's playground, and a bus station). The NGOs also drew attention to the need for an areaset aside for depositing assorted scrap and other secondary materials. They also suggested that the boundaries between the building area and nearby agricultural land should be established by a road or a green fence so as to prevent further construction outside the settlement. Practically all of these suggestions were then accepted by the municipality.

Involvement of Roma in the design, implementation and assessment: No comprehensive data available.

Any specific focus on Roma women, children, the elderly or persons with disabilities: A space for a children's playground was reserved.

Difficulties and limitations encountered: No data available.

Any impact assessment or other evaluation: The NFP came across no assessments. Several individuals, who were interviewed for the purpose of this study, mentioned that this initiative was as an example of good practice regarded in Slovenia.

Sustainability: In general, the legalisation of a Roma settlement represents one of the most important steps towards a sustainable solution of the Roma housing situation. This is also a precondition for legal access to public utilities, including running water and electricity. Applying for tenders and access to other funds is also easier.

Possibilities for transferability and mainstreaming: No data available.

Title: Romi za Rome/ Roma for the Roma. **Organisation/institution:** Občina Metlika/Municipality of Metlika.

Type of organization/institution: Local self-government community.

Type of initiative: Employment inclusion; improvement of living conditions in Roma settlement.

Total budget and sources of funding: No budget data available. Ministry of Labour, Family and Social Affairs.

Rationale: Unemployed Roma are employed for specific periods of time on the basis of public work schemes with the intention of increasing their prospects for sustainable employment. Due to the often neglected Roma settlements, the idea was that these individuals are employed through public work schemes to work in their settlements and maintain their neighbourhoods.

Objectives: Increasing Roma employment prospects and improving living conditions in their settlements.

Target group: Unemployed Roma. Time frame and location: 2000 - present. Roma settlements in the Municipality of Metlika.

Brief description of main activities: This small-scale project is carried out within the public work scheme and addresses the issue of unemployment among the Roma. At the same time, the initiative provides for tidying up of the Roma settlements. Among other things, in 2002 and 2003, a house was built for a Roma family with 13 children.

Involvement of Roma in the design, implementation and assessment: No data available.

Any specific focus on Roma women, children, the elderly or persons with disabilities: No data available.

Difficulties and limitations encountered: No comprehensive data available. According to a report from 2002, the Roma generally agreed with the project objectives. Many of the Roma involved were satisfied to be able to earn money. However, they pointed out that after taxes their payment was the same as allowances allocated to unemployed persons. Some Roma also asserted that they felt misused, as they were given tasks outside the neighbourhood.¹⁷⁰

Any impact assessment or other evaluation: The NFP came across no comprehensive assessment of the project. The Municipality of Metlika regards this project as an example of good practice.¹⁷¹ Sustainability: No comprehensive data available.

Possibilities for transferability and mainstreaming: No data available.

¹⁷⁰ Open Society Institute (2002) Monitoring the EU Accession Process: Minority Protection: Volume 1: An Assessment of Selected Policies in Candidate States, p.p. 620-621, available at: http://www.eumap.org/topics/minority/reports/minority01-02/minority02/international/sections/slovenia/2002_m_slovenia.pdf (29.05.2009).

¹⁷¹ Data submitted by the Municipality of Metlika upon request.

Title: *Socialno vključevanje Romov*/Social Inclusion of the Roma

Organisation/institution: Društvo Mozaik - Društvo otrok/ Association Mozaik - Association for Children.

Type of organisation/institution: NGO.

Type of initiative: Counselling.

Total budget and sources of funding: Providing assistance to members of the Roma community with their application for non-profit rental housing was a side exercise. As such, it was undertaken pro bono and had no budget. Information on the overall project budget, which was funded by the Municipality of Ljubljana, was not available.

Rationale: Facing unfavourable living conditions in their settlement, Roma were encouraged to change their situation and apply for non-profit rental housing. They were also requested to go unescorted to relevant institutions to obtain documents, thus proving to themselves that they were capable of arranging their own matters.

Objectives: The objective of this initiative was to encourage as many Roma as possible to submit applications for non-profit rental housing in order to try to change their housing situation.

Target group: All Roma families in the Koželjeva settlement in Ljubljana eligible to apply for non-profit rental housing.

Time frame and location: Autumn 2008. Aforementioned Roma settlement.

Brief description of main activities: An interesting small-scale initiative was conducted within the framework of a project a project carried out in the Municipality of Ljubljana, entitled Social Inclusion of the Roma, in an isolated settlement inhabited by a considerable number of Roma. This is one of rare number of projects addressing the needs of 'non-autochthonous' Roma. 'Non-autochthonous' Roma predominantly live in urban centres and are by origin from the other republics of former-Yugoslavia. The project started in 2004 under the title Colours, and at first only included activities aimed at children, such as art and music workshops. The NGO also involved Roma children in various activities outside the settlement in order to facilitate their integration into society. Through these activities, the representatives of the NGO earned the confidence of parents, and started working with them. Due to the poor living conditions in the settlement, the NGO worked to motivate the Roma parents to try to change their situation. In autumn 2008, when the Public Housing Fund of the Municipality of Ljubljana launched a call for applications for the provision of non-profit rental housing, the organisation provided support in preparation of applications to all inhabitants of the settlement, including non-Roma individuals

who were Slovenian citizens (and thus entitled to apply). An important part of the initiative was to motivate the Roma and other applicants to act independently and responsibly. Accordingly, they were sent on their own to obtain all the relevant documentation. However, if any complication occurred, the NGO representatives could be contacted at any time for advice. According to the NGO, Roma women were considerably engaged in all activities, and, at the end, practically all eligible persons submitted applications.¹⁷²

Involvement of Roma in the design, implementation and assessment: Roma were encouraged to act independently, and were actively engaged in obtaining all relevant documents by themselves.

Any specific focus on Roma women, children, the elderly or persons with disabilities: At the beginning, the project was exclusively aimed at children, and later on started targeting adult Roma. According to the NGO, Roma women were considerably engaged in all activities related to the aforementioned tender.

Difficulties and limitations encountered: No data available.

Any impact assessment or other evaluation: No specific assessment has been conducted. It must be noted that practically all eligible persons submitted applications for non-profit housing.

Sustainability: No data available.

Possibilities for transferability and mainstreaming: No data available.

1.6. Major national projects targeting the housing situation of Roma that are not included in the previous section

In 2005 and 2006, the Municipality of Lendava obtained funds through the Implementation Programme of Assistance to Municipalities in Solving Urgent Communal Infrastructure in Roma Settlements. In 2006, Lendava contracted the Development Public Fund Lendava to undertake the regularisation of a Roma settlement in Dolga vas. The municipality earmarked approximately € 112,000 for this purpose. According to the municipality, this was a comprehensive project.¹⁷³ For the purpose of regularisation of the settlement, the land was

¹⁷² Data submitted by the Association Mozaik - Association for Children upon request.

¹⁷³ The NFP was not presented with formal evaluations of the project or the data project components addressing specifically the housing situation of vulnerable groups.

purchased and parcelled out with the consent of its previous owners and potential owners (i.e. the Roma). An agreement was also reached with *Sklad kmetijskih zemljišč in gozdov Republike Slovenije* [Farmland and Forest Fund of the Republic of Slovenia]. This particular agreement also allowed for a change in status of the land from agricultural to building land. Later on, however, two disputes between Roma over the already established parcels took place. To counter this and to settle the situation, the municipality adopted a flexible approach, and existing spatial plans were amended. In addition, all residential and other buildings in the settlement were measured and 30 documents were produced that were needed for building permits and the legalisation of housing units in the settlement. This laid the foundations for the Roma to be able to buy the parcels of land.¹⁷⁴

In October 2007, the Ministry of the Environment and Spatial Planning published a Call for Applications for Co-financing Preparation of Detailed Municipality Spatial Plans for the Regulation of Roma Settlements. According to the Call, the relevant spatial plans should develop, restructure or renovate Roma settlements. Of the overall € 40,000, €10,000 was foreseen to be allocated to one of the municipalities in each of the regions of Bela krajina, Dolenjska, Prekmurje and Spodnje Posavje, respectively. Every municipality could apply for funds for the preparation of spatial plan aimed at regulating one of the Roma settlements. The municipalities were obliged to ensure 50 per cent matching funds, and to provide a statement by a Roma councillor sitting on the municipal council on the involvement of Roma in regulating the specified settlement.¹⁷⁵ The Ministry received six complete applications. However, due to the provisions of the call, and intended distribution of the funds to municipalities in different regions, only half of the aforementioned budget was allocated to two municipalities, respectively, of which only one, namely the Municipality of Novo mesto, completed the task.¹⁷⁶ An interviewee from the public authorities commented that the Ministry was rather disappointed with such a development. In their opinion, this showed a lack of interest on the part of municipalities to engage in solving the Roma housing situation.

In 2000, the Ministry of the Environment and Spatial Planning provided subsidies for the preparation of spatial planning documentation allowing for the solution of Roma housing problems. Simultaneously, the new spatial plans aimed to improve the housing conditions of the non-Roma population living in the vicinity of irregular Roma settlements. The total budget for this operation was 10,600,000 SIT (app. € 44,200). The following municipalities received subsidies: Beltinci, Rogašovci, Krško, Metlika, Turnišče, Dobrovnik, Grosuplje, Črenšovci and Kuzma.

¹⁷⁴ Data submitted by the Municipality of Lendava.

¹⁷⁵ [http://www.mop.gov.si/si/javne_objave/javni_razpisi/?tx_t3javnirazpis_pi1\[show_single\]=802](http://www.mop.gov.si/si/javne_objave/javni_razpisi/?tx_t3javnirazpis_pi1[show_single]=802) (29.06.2009).

¹⁷⁶ Data submitted by the Ministry of the Environment and Spatial Planning upon request.

In the first version of this thematic study, namely in Paragraph 187, one of the interviewees mentioned a project entitled *Become an Active Citizen*, aimed at, among other things, improving relationships between the Roma and non-Roma population. Upon receipt of the evaluation of our thematic study, where it was suggested that this initiative could be presented among other major projects, the NFP contacted the organisation mentioned by the interviewee. Unfortunately, it appeared that the organisation in question was not involved in this particular project. Also, in spite of further research, the NFP was not able to identify the organisation conducting this initiative.

2. Field research - interviews

2.1. Brief description of the methodology

For the purpose of this thematic study,¹⁷⁷ we conducted six interviews with the following persons: the first public authorities representative, the second public authorities representative, a Roma journalist, a representative of the 'non-autochthonous' Roma, a representative of the Roma councillors (Prekmurje Region) and a representative of a Roma association (Prekmurje Region). Personal data is provided in a separate document. Since the first of the public institutions in question only employs a five-person-strong staff, and the Roma interviewees are visible members of their community, we employed the above referencing in order to avoid, if possible, their identification. However, this is only a suggestion. With regard to the second representative of the public authorities, it must be noted that as we were only able to approach an interviewee from this institution through official channels, they were nominated by the relevant institution.. However, in spite of the fact that their identity is known to the institution in question, their identity was hidden, as was the case with the other interviewees.

With regard to the interviewees suggested by the FRA, we assessed this selection as well-chosen. Since the housing situation of the Roma is generally unfavourable, but also shows many different faces, and different Roma communities face different problems, it was also very important to hear different community voices. For example, representatives of the 'non-

¹⁷⁷ In the course of the preparation of this study, the following public institutions and other organisations were approached: Varuh človekovih pravic/Human rights Ombudsman, Urad za enake možnosti/Office for Equal Opportunities, Urad za narodnosti/Office for National Minorities, Generalna policijska uprava/General Police Directorate, Tržni inšpektorat Republike Slovenije/Market Inspectorate of the Republic of Slovenia, Ministrstvo za okolje in prostor/ Ministry of the Environment and Spatial Planning, Inšpektorat Republike Slovenije za okolje in prostor/Inspectorate of the Republic of Slovenia for Environment and Spatial Planning, Služba Vlade Republike Slovenije za lokalno samoupravo in regionalno politiko/Government Office for Local Self-Government and Regional Policy, Stanovanjski sklad Republike Slovenije/Housing Fund of the Republic of Slovenia, Javni stanovanjski sklad Mestne občine Ljubljana/Public Housing Fund of the Municipality of Ljubljana, Mestna občina Maribor/Municipality of Maribor, Občina Krško/Municipality of Krško, Občina Novo mesto/ Municipality of Novo mesto, Občina Metlika/Municipality of Metlika, Občina Grosuplje/ Municipality of Grosuplje, Občina Semič/Municipality of Semič, Občina Lendava/ Municipality of Lendava, Občina Murska Sobota/Municipality of Murska Sobota, Društvo za razvijanje preventivnega in prostovoljnega dela Ljubljana/Association for the Development of Preventive and Voluntary Work Ljubljana, Društvo Mozaik - društvo otrok/ Association Mozaik - Association of Children.

autochthonous' Roma as well as the representative of one of the most visible 'autochthonous' Roma organisations were interviewed. In addition, we hoped that the Roma journalist could provide a slightly different perspective with a view to gender issues, as well as a certain distance and impartiality. In general, we must note that this was not the case. In addition, one must note that the first of the selected public institutions probably has the best "official" overview of Roma-related issues, and was also a good choice. The second representative of the public authorities also provided some useful information. Unfortunately, no interview was carried out with the representatives of the Roma in the Dolenjska Region, an area characterised by a worse housing situation in comparison with the Prekmurje Region. In spite of the fact that we were promised the interview, and a number of telephone calls, the interview could not be arranged.

As to the execution of the interviews, we respected the guidelines. All of the interviews were conducted in-person and recorded. The interview consent form was presented, and the context of the thematic study was explained.

2.2. Summary of main points

In general, the Slovenian Roma faces an unfavourable housing situation. It must be noted, however, that the Roma community in Slovenia is not homogenous; rather it is composed of groups with different legal statuses, living in different environments and facing different problems. In Slovenia, the Roma live in Roma hamlets, in settlements together with the majority population, and in bigger cities/urban environments where they mainly live in apartment blocks.

The existing legislation and related relevant documents differentiate between 'autochthonous' Roma (considered as traditionally settled in Slovenia) and 'non-autochthonous' Roma (regarded as immigrant Roma). Existing measures, aimed at improving their living conditions target only the 'autochthonous' Roma. The former mainly live in Roma settlements in the Prekmurje Region in the north-eastern part of the state; and in south-eastern part of the state in Dolenjska, Bela krajina, Kočevje and Grosuplje. The latter are an urban population, predominantly living in the largest urban centres such as Ljubljana and Maribor.

According to the second representative of the public authorities, Roma settlements in Slovenia are mainly isolated from the rest of the population or are on the outskirts of other settlements. The Roma settlements are located on degraded land, even in flood-risk areas, and environmentally degraded areas, such as, for example, dumping grounds. Most of locations of the Roma settlements are not defined in municipalities' spatial planning documents as building plots of land, nor is the issue of public infrastructure settled. Thus, Roma may or may not have running water, and generally, there might be only one electricity junction box per settlement. Most of the dwellings are illegal,

and their quality varies depending on the financial status of a particular Roma family. Instead of any regional differences, they rather underlined differences between particular municipalities and settlements. According to this respondent, legalisation of a Roma settlement, including the preparation of relevant spatial planning documents, possible purchase of the land and selling land to Roma under more favourable conditions, depends substantially on the size of municipalities. Generally, only larger municipalities have sufficient expert staff and funds to address this issue, while smaller municipalities lack both staff and resources. Notwithstanding is the fact that Roma settlements in smaller municipalities might be of the same size as are the settlements in larger municipalities. They also stated that their institution does not possess any specific data related to the vulnerable groups such as elderly, disabled, children and women.

With regard to the Roma living in Roma settlements, many of the interviewees drew attention to differences between regions, and noted that the situation in Prekmurje is better in comparison to the situation in the south-east part of the country. The integration process in Prekmurje started earlier and in a friendlier environment. Many Prekmurje Roma were also employed in neighbouring Austria, and were able to provide for the improvement of their living conditions. On the other hand, the integration of the Roma in Dolenjska and other regions in the south-east was late in coming, and this is reflected in their poorer housing situation. But despite these regional differences, housing conditions in Roma settlements are generally unfavourable. Irregularity of settlements and the consequent lack of access to basic public utilities tend to be the most pressing issues. For example, the first representative of the public authorities described the situation as follows: *'I may generally say that the Roma settlements have been poorly equipped in terms of public utilities. Primarily in the Dolenjska Region, settlements without drinking water and electricity are common, sewage systems are not regulated, and illegality and usurpation of property is an issue.'*

Currently, an important development is underway. Namely municipalities are requested to produce new spatial plans in accordance with the newly adopted Spatial Planning Act. This is seen as an opportunity to include Roma settlements in relevant spatial documents and begin their regularisation. However, the first representative of public authorities pointed out the complexity of this issue both in terms of opportunities and possible risks: *'This is quite difficult, since we are commonly talking about the settlements, plots of land, which are either private property, or the property of the Ministry of Defence, or located on water protection land, or in an inundated area. Even the general proceedings related to the preparation of municipal spatial plans are very lengthy, since numerous bodies must provide their consent, numerous ministries as well, which means that a municipality does not always opt to include the illegal, Roma settlements into its spatial plans. And, then, we talk about a vicious circle, namely a lengthy procedure with pretty complex legislation. Now, when the spatial plans are prepared, there is an opportunity*

at least to place these settlements into the plans, since only the legality of Roma settlements shall provide for further public utility system development.' The second representative of the public authorities also mentioned this process as an opportunity for the legalisation of Roma settlements. They mentioned that their institution closely co-operated with municipalities in preparing the new spatial plans. According to them, Roma settlements shall be included into new municipalities' spatial plans, provided that the settlements are not located on degraded or protected land. They also confirmed that, where possible, municipalities undertake not only to legalise the current situation in the field, but also to design some extra space for the further development of Roma settlements. Roma interviewees also pointed out the issues of ownership of building plots and the legality of buildings as crucial. One can lay down electricity and running water when these matters are settled.. A representative of Roma councillors noted, for example, that the irregular status of Roma settlements might serve municipalities as an excuse to avoid tackling the situation in Roma settlements, and suggested some steps in this regard: *'However, in principle, it is very important to talk about legal housing, once we talk about the housing issue. In Slovenia, we are still establishing the fact that many of these Roma settlements are still illegal, which leaves all of the local communities room to manoeuvre.. They may easily refer to this issue, and respond that they may not master the regulation of Roma settlements until the issue obtains a legal reputation. Right for this reason, I miss the fact that, in the first place, all of the Roma settlements in Slovenia should be listed, should be entered into the registry, which would be the only basis on which to arrange matters in these settlements.'*

Housing deprivation of the Roma also affects their participation in other spheres of life, and many interviewees stressed the impact of unfavourable living conditions on children's schooling prospects. In general, children are seen as one of the most vulnerable groups. The first representative of the public authorities asserted the following in this regard: *'In the Dolenjska Region, there is still a lack of water supply, electricity, public utilities, roads, transport connections. The kids in school have also been stigmatised as a consequence of these difficulties, namely that they are dirty, that they do not do their homework, that they have no electricity, live without heating...these are really tough stories, e.g. in Kočevje, and in Ribnica, and, now, in Grosuplje, the Roma live in poor conditions. We have tried to look for solutions... sometimes it comes to pass that some sections of the legislation are very strict, that the proceedings are very lengthy. Families that have been living in such conditions for a long time yearn for a quicker solution.'* A representative of a Roma association also raised health and family relationship issues: *'One thing is sure. Where there are no living conditions, in one way or another, then rights have been breached. Also in cases when a child has no basic right to education, when a child has no bed and no room, let alone teaching aids, a table, at least some basic things. Such a child has nothing which would enable him/her to have a decent life, or at least a decent childhood. When it comes to women, as I said before, there is no hygiene. Diseases spring up, various conflicts spring up. Then, to put it*

bluntly, where there is no proper apartment, living conditions are not arranged, and many children, once they become aware of such distress, leave home even when still under-age. Then they delve into some negative things, to put it this way. These are all of the conditions arising in such situations.' In a similar vein, a representative of the Roma councillors stated as follows: *'Yes, these Roma settlements have not been provided, more or less, the basic communal infrastructure, which prevents these Roma from getting involved in community life on an equal footing. In these Roma settlements, a Roma settlement has only one function, to provide the Roma with a place to live. But other functions which would provide an opportunity for education, employment and spare time activities are not provided for. Thus, these Roma settlements provide only for the living space, and the end result is as it is, which, consequently, influences the inclusion of these Roma children into the community. The unarranged settlement in which Roma live also means a non-stimulating environment in terms of improvement.'*

On the other hand, the situation of 'non-autochthonous' Roma, mainly originating from other ex-Yugoslav republics and who mainly live in urban areas, seems to be better. According to the respondents, they are better integrated into mainstream society. In urban centres they, in general, are not confronted with some of the problems, such as those related to basic public amenities. In spite of this, one of their most pressing issues is that many lack Slovenian citizenship and are consequently particularly vulnerable. According to the present housing legislation, they are not eligible for non-profit rental housing. Many of these Roma have been living in Slovenia for decades. According to a representative of the 'non-autochthonous' Roma, a majority of them are illiterate, and not aware how to improve their situation, and how to obtain citizenship. The same respondent described their situation as follows: *'In many cases they have permanent residence, but this is not enough for them to apply for the housing tender. They have no right to do so. And many families, young families, who have no citizenship and have permanent residence, do not have the right to get an apartment. And these problems are really horrible. Why horrible? Well, as an example, these people have kids, have permanent residence. Some Roma are employed, but they have no right to apply at the Housing Fund, to compete to get an apartment. In short, Roma end up on the street without proper housing. Roma are subtenants, and such problems really dismay.'* They also reported a case of a woman with five children: *'Born here, has no citizenship, has permanent residence, lived in a shed without sanitation, water, anything. The apartment was owned by another person. They came to pull down the apartment. I addressed various institutions, from the mayor, to the city municipality, to the director of the housing fund. All over the place they showed no understanding for this woman's case. Now this woman with five children ended up on the street. She wanted to place a tent by the Drava River to live there, but our community managed to offer her an apartment, where she has no water or electricity. She still has no water or electricity, and her kids*

*may not go to kindergarten or school since they have no place to wash.*¹⁷⁸ In this regard, a representative of the Roma councillors saw the division between 'non-autochthonous' and 'autochthonous' Roma as problematic, and with considerable consequences, and clearly expressed their disapproval: *'We do not agree with this. Europe does not know of such a term, and I would say that, in this case, when it comes to Roma, autochthonism means labelling of people, which does not contribute to the nourishment of civil values. Thus, we have been following the trends in this regard. We met with the Human Rights Ombudsman. We have held discussions with Ljubljana and Maribor representatives who have been, right for this reason, excluded from state assistance, since, once the Ministry of Local Self-Governance¹⁷⁹ makes a call for tender, autochthonism is a condition. In such a case, municipalities do not have the right to apply for such funds, and, moreover, non-autochthonous Roma do not have the right to have their representative on the municipal council.'*¹⁸⁰

With regard to their institution's work on Roma issues, the first representative of public authorities stated that the task of their institution is to coordinate activities aimed at Roma at the state level, while relevant ministries provide for Roma community within their specific fields. The respondent's institution monitors these activities and, where possible, mediates between relevant stakeholders and Roma, also at the local level. The second representative of the public authorities stated that their institution is a major institution which is competent for the preparation of a systemic framework, among other things, in the field of housing, spatial planning and environmental protection; namely legislation, strategies and policy documents. According to this respondent, no permanent Roma-related body has been established within the institution. In 2006, the institution set up an expert group, which analysed the Roma housing situation, and included representatives of the Roma community as permanent members of the expert group. A year later, the expert group concluded its work. The major outcome of this activity was a relatively comprehensive insight into Roma housing matters. According to this respondent, conclusions adopted by the expert group have not been implemented. The respondent also noted that the institution was considering the establishment of a similar group. A

¹⁷⁸ According to additional data provided by the respondent upon request, this event took place in 2008. The respondent could not remember the exact time, but established that the Roma community needed between three to six months to secure a substitute apartment for the family. In the meantime, the family in question was accommodated by different Roma families. At the time of the event, the mother was unemployed. According to the respondent, unemployment rates for Roma women are higher than unemployment rates for men. They also noted that despite an unfavourable housing situation, the Roma community strongly encourage children to attend school, and now the woman's children go to school. The respondent could not remember if the woman was single. Eventually, they confirmed that at least one similar case occurs on annually.

¹⁷⁹ The correct name of the institution is the Government's Office for Local Self-Government and Regional Policy.

¹⁸⁰ It must be noted that a commission dealing with Roma-related issues has been established in Maribor, a municipality with 'non-autochthonous' Roma. The latter are also represented in the commission.

representative of a Roma association noted that their organisation was included in finding solutions for Roma issues. The organisation and its activists have tried to establish links with the local community, housing funds and politicians, and have been engaged in settling cases in the area of housing. A representative of the Roma councillors stated that their organisation involved Roma representatives sitting on the highest municipal bodies. They undertake to raise all issues relevant for the members of Roma communities, and to provide for the inclusion of Roma needs into municipal policies and budgets. Their goal is to solve the Roma residence issues as a necessary condition for the improvement of their education and employment prospects. A representative of the 'non-autochthonous' Roma asserted that their organisation is present on a commission established in the municipality of Maribor to observe issues relevant for the Roma community. Another important mission of the organisation is to maintain links with the local housing fund, so that pressing issues faced by the Roma in the field of housing may be addressed. A Roma journalist stated that, as a journalist, they undertake efforts to correctly report relevant issues, including housing issues, but do not work as an activist.

With respect to the relevant national policies addressing the Roma housing situation, and their implementation, the respondents provided heterogeneous opinions. Until today, no comprehensive strategic documents have been adopted. This lack of a comprehensive approach may reflect, among other things, varying levels of competencies on the part of the state and the local authorities, as well as different levels of commitment by the relevant stakeholders. For example, while stating that the adoption of a general strategy targeting Roma housing needs would represent a meaningful step, the first interviewee from the public authorities noted that it would be questionable to what extent such a strategy would be mandatory for local authorities. The relevant legislation, for example, places the competency for spatial planning almost exclusively with the municipalities. The same respondent also established that the state allocates funds for infrastructure projects every year and, in general, the situation is improving. In their opinion, the situation of Roma in Slovenia is better than in some other countries.

The second representative of the public authorities stated that general policy documents relating to the field of housing and spatial planning had been adopted, but also confirmed that no specific strategy related to Roma housing issues was available in Slovenia. In addition, they underlined that the state provides for the adoption of a broader legislative framework and relevant general policies. They also added that, according to the current organisation of the state, municipalities have almost exclusive competency for its implementation, including designing and adopting relevant spatial plans providing for the regularisation of Roma settlements. They also stressed that their institution regularly issues public calls for co-financing preparation of municipal spatial plans for the regularisation of Roma settlements. In addition, they underlined that, despite a lack of specific strategy addressing Roma, the existing legislative framework allowed municipalities to introduce positive

measures if they wished. They provided an example related to public calls for the provision of non-profit rental housing. The relevant provisions regulating this type of public call stipulate that certain groups shall have priority.¹⁸¹ However, the list is open, provided that these criteria are in compliance with the law, and their aim is clearly elaborated, an organiser of a public call may also add criteria aimed specifically at the Roma.. The respondent stated they were not aware of any such public calls.

A representative of a Roma association noted that the state started resolving the Roma housing situation by means of existing measures, namely tenders. In their opinion, however, appropriate funding tends to be questionable. They also raised the issue of relevant integration programmes, noting *'too few possibilities given to the Roma community to settle themselves in towns in greater numbers, namely in apartment blocks. Somehow, everyone is dealing more with the fact of how to remove Roma from one place and settle them at another, and not about how to include them into the integration programmes and apartment integration programmes.'*

At the local level, both positive and negative developments were noted. While some municipalities apply for funds, which are then used to improve Roma housing conditions, there were also cases when municipalities largely avoided their responsibilities. A representative of the Roma councillors asserted that their organisation has initiated a monitoring programme, because they *'have found out that the Ministry of Local Self-Governance¹⁸² has been systematically inviting tenders for the regulation of Roma settlements, but the Roma councillors have found out that the municipalities do not prepare projects on purpose, so that we may not apply for one at all. Some municipalities are so cunning that they apply for the tender with incomplete documentation, so that they already know they will be rejected. There are also some good examples, when a municipality successfully applies for a tender and obtains the money, which it invests in the given purpose.'*

Some examples of good practices were also mentioned by the respondents. Many of them pointed out the legalisation of the Roma settlement Kerinov Grm in the Municipality of Krško (Dolenjska Region). In addition, the example of the Roma settlement Pušča in the Prekmurje Region was also emphasised. In 1997, a relevant spatial plan for this settlement was adopted, which functioned as a guarantee for its subsistence and development. A representative of the Roma councillors who mentioned this example, pointed out the importance of role models, and also confirmed that such a pattern is now followed in another

¹⁸¹ E.g. families with more children, families with a lower number of employed members, young applicants and young families, people with disabilities or families with members with disabilities, citizens with a longer working history who do not own an apartment or are sub-letting.

¹⁸² There is no such ministry in Slovenia. The respondent probably meant the Government Office for Local Self-Government and Regional Policy, which issues relevant calls for applications.

Prekmurje settlement, namely Vanča vas. According to them, improved living conditions are then mirrored, for example, in the field of education: *'However, a very interesting issue here is that in the regulated areas, such as Pušča and Vanča vas, positive results are already visible in terms of higher quality education, indicating that education depends on the living conditions in which Roma children grow up.'*

An initiative in the Municipality of Velenje aimed at 'non-autochthonous' Roma was also mentioned. Following a meeting with Roma representatives, the municipality set as one of its goals to settle the housing issues of two families each year. A representative of a Roma association confirmed that *'the municipality is sticking to this goal.'*

With a view to the issues of discrimination, it was noted that Roma families face obstacles when undertaking to improve their living conditions. For example, Roma families, who aspire to get out of unfavourable conditions in Roma settlements and to move to other areas, have smaller chances to create their life elsewhere. According to the first representative of the public authorities, *'they are not well- accepted into the environments where they would like to move, or they are not given equal access opportunities in some housing blocks.'*

Several respondents also mentioned a case of forced removal of a Roma family from their land in the community of Ambrus. The case in question received much attention from public authorities, the media and the general public. The Roma community considered this a worrying development. They were afraid that it might become a pattern for similar actions in the future. In this regard, a representative of the Roma councillors noted the following: *'In the example of Ambrus, we reacted immediately when they pulled down the first building in Ambrus, and we even managed to reach an agreement with the Ministry of Spatial Planning and Environment to define a moratorium on pulling down illegal buildings, because we had the feeling that Ambrus would be just the beginning. The story was quite popular at the time, and we were afraid that the same pattern would be transferred to all the Roma settlements. We convened a conference on this topic and publicly warned against the irregular approach to solving this case.'* The second representative of the public authorities noted that their institution was also very much involved in this case. The institution acted as a mediator between municipalities and all the other stakeholders, which might possibly provide accommodation to the family in question.

According to a representative of the 'non-autochthonous' Roma, no discrimination can be noticed in the functioning of the public housing fund in

Maribor. They only thought that the institution should have more understanding for problems faced by the ‘non-autochthonous’ Roma.¹⁸³

¹⁸³ After the interview, the same respondent kindly asked to be given the opportunity to address all possible stakeholders about an important issue. These are their words: *‘Therefore, I would like to ask all the institutions, both the European and the Slovenian ones, to show some understanding for our Roma community of some 3000 members, who have no settlement. We can hardly wait for the Inter-Municipal Housing Fund tender, which is opened every year. The Fund works according to the legislation, but there is a problem which the state should solve. I want to tell you what kind of problem it is. A young family, which has no right to apply for citizenship, has no right to apply for a Maribor Inter-Municipal Housing Fund tender. Only citizens may apply. Since there is a big Roma community in Maribor, there are also many young families who have no right to compete via tender the procedure. Therefore, I ask different institutions to try and establish contact between these people and the state institutions, so that all of the people living in Slovenia with permanent residence would have equal rights as the citizens have, so that all of us would be given equal rights before the law, and an opportunity to apply for a tender. I would be extremely grateful to these institutions for such a thing, and believe me, the whole Roma community would be very grateful, as well. Therefore, I kindly ask you to lend an ear to the issues of the Roma community in Maribor.’*

3. Annexes

3.1. Annex 1 – Statistical Data and Tables

Table 1.

	2000 - 2009
Number of complaints regarding ethnic discrimination received by complaints authorities (such as Ombudsperson's Offices and national equality bodies)	<p>Advocate of the Principle of Equality, specialised body under the Racial Equality Directive in Slovenia: 1 case (2005-2009).</p> <p>Human Rights Ombudsman: several cases (2000-2009). Since the Ombudsman's records do not include data on victims' ethnic origin, overall number could not be identified, (some illustrative cases handled by the Ombudsman are presented in Annex 2).</p> <p>The police: in 2006 in 2007, the police filed three criminal denouncements under Article 300 of the Penal Code (prohibits incitement to racial, ethnic and religious hatred, strife and intolerance) in the context of cases involving forced removal of a Roma. The same is true at the Ombudsman. The police kept no data on the victims' ethnic origin, so it is not possible to provide any comprehensive statistics.</p>
Number of instances where ethnic discrimination was established by complaints authorities (such as Ombudsperson's Offices and national equality bodies)	<p>Advocate of the Principle of Equality: no discrimination established in the only case observed by the Advocate.</p> <p>Human Rights Ombudsman: established discrimination in several cases. (Some illustrative examples are presented in Annex 2).</p>
Follow-up activities of complaints authorities (such as Ombudsperson's Offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow-up activity: settlement, warning issued, opinion issued, sanction issued etc.)	<p>Advocate of the Principle of Equality: opinion issued.</p> <p>Human Rights Ombudsman: opinions issued, at least one case ceded to the inspection services, which failed to deal with the case (See Annex 2).</p>
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age).	<p>Advocate of the Principle of Equality: cannot impose sanctions.</p> <p>Human Rights Ombudsman: cannot impose sanctions.</p>
Range of sanctions and/or compensation in Slovenia (please disaggregate according to type of sanction/compensation)	No sanctions imposed.

Table 2. Population Declared as Roma, in by Slovenian Municipality , Population Census 2002

	Number of Roma
SLOVENIA	3246
Maribor	613
Novo mesto	562
Murska Sobota	439
Ljubljana	218
Puconci	137
Kočevje	127
Šentjernej	98
Metlika	90
Lendava/Lendva	86
Tišina	86
Črnomelj	85
Črenšovci	63
Cankova	56
Rogašovci	51
Ribnica	49
Semič	47
Brežice	42
Krško	37
Velenje	34
Turnišče	29
Ivančna Gorica	27
Miklavž na Dravskem polju	25
Beltinci	23
Jesenice	21
Hoče - Slivnica	19
Lenart	16
Trebnje	16
Starše	14
Kranj	12
Kuzma	10
Slovenska Bistrica	10
Druge /Others	104

Source: Statistical Office of the Republic of Slovenia, Population Census 2002

Table 3. Population Declared as Roma by Statistical Region, Slovenian Population Census 2002

	Number of Roma
SLOVENIA	3246
Pomurska	989
Podravska	712
Koroška	3
Savinjska	40
Zasavska	14
Spodnjeposavska	79
Jugovzhodna Slovenija	1074
Osrednjeslovenska	262
Gorenjska	49
Notranjsko-kraška	4
Goriška	14
Obalno-kraška	6

Source: Statistical Office of the Republic of Slovenia, Population Census 2002

Table 4. Population Declared as Roma by Age Group and Gender, Slovenian Population Census 2002¹⁸⁴

Roma/Age Groups (years)	All Roma	Men	Women
Total	3246	1645	1601
0-4	454	244	210
5-9	364	188	176
10-14	353	160	193
15-19	307	151	156
20-24	332	170	162
25-29	278	137	141
30-34	250	130	120
35-39	223	117	106
40-44	207	110	97
45-49	149	76	73
50-54	113	61	52
55-59	82	41	41
60-64	61	28	33
65-69	31	15	16
70-74	22	10	12
75 +	20	7	13

Source: Statistical Office of the Republic of Slovenia, Population Census 2002

¹⁸⁴ The above table includes the only statistical data broken down by age and gender available in Slovenia. The NFP came across no other relevant quantitative data disaggregated by e.g. age, gender, religious affiliation or disability.

Table 5. Number of Roma per Municipality¹⁸⁵

	Municipality	Number of Roma as reported by the municipality
1.	Murska Sobota	1.100
2.	Novo mesto	760
3.	Črnomelj	549
4.	Rogašovci	474
5.	Puconci	473
6.	Tišina	365
7.	Kočevje	316
8.	Trebnje	285
9.	Krško	270
10.	Metlika	264
11.	Semič	236
12.	Cankova	218
13.	Lendava	177
14.	Škocjan	170
15.	Grosuplje	142
16.	Črenšovci	141
17.	Šentjernej	126
18.	Beltinci	103
19.	Kuzma	94
20.	Brežice	59
21.	Dobrovnik	50
22.	Turnišče	42
23.	Ivančna Gorica	28
24.	Mirna peč	6
25.	Ribnica	No data
26.	Žužemberk	0
	Total	6.448

Source: Slovenia/Urad za narodnosti (2004), *Poročilo o položaju Romov (2004)*.

¹⁸⁵ Only municipalities with 'autochthonous' Roma were surveyed. The table does not include data on 'non-autochthonous' Roma, predominantly living in urban centres such as Ljubljana and Maribor.

Table 6. Population of the Municipality of Ljubljana by Ethnicity and Form of Accommodation, as a Percentage

	Owner	Tenant, non- profit housing	Tenant, private housing	Tenant, social housing	Tenant, company owned	Subtenant	User (e.g. family owned)	Other
Slovenians	82	4.9	1.5	0.1	0.4	0.8	9.7	0.4
Italians	69	13	5	0	0	5	3	5
Hungarians	75	4	3	0	2	3	10	3
Roma	50	31	4	0	0	4	9	2
Albanians	30	13	13	0	3	11	7	23
Bosniacs	46	8	5	1	1	8	4	27
Montenegrins	74	10	4	1	1	4	3	3
Croats	75.8	6.8	2.9	0.4	1.7	3	4.1	5.3
Macedonians	59.3	7.2	4.9	0.2	2.1	7.7	4.2	14.3
Muslims	40	9	5	1	2	6	4	33
Serbs	71.6	8.8	3.5	0.5	0.7	4.1	4	6.8
Bosnians	48	14	10	1	1	12	4	10

Source: M. Komac, M. Medvešek (eds) (2005) *Simulacija priseljevanja v ljubljansko urbano regijo: analiza etnične strukture prebivalstva Mestne občine Ljubljana*, Ljubljana: Inštitut za narodnostna vprašanja, pp. 187-203, available at: http://www.inv.si/DocDir/projekti/simulacija_priseljevanja_v_lj.pdf (31.03.2009).

Table 7. Roma settlements in Slovenia

Settlement	Municipality	Number of Inhabitants	Communal Infrastructure		Share of Illegal Buildings	Plot Ownership	Possibility of Expansion	Possibility of Purchase	Planning Status
			water supply	electricity					
Mali Šalovci	Šalovci	26	spring	yes	no declaration	municipality	yes	yes	settled
Ciganszer	Hodoš	1		yes	no declaration	private	yes	yes	settled
Dolič	Kuzma	50	public	partially	mostly	Roma	yes	yes	planned
Gornji Slaveči	Kuzma	36	public	yes	mostly	Roma	yes	yes	planned
Donice	Kuzma	7	public	yes	partially	Roma	yes	yes	planned
Gornji Črnci	Cankova	20	own	yes	partially	unknown	yes	yes	unknown
Domajinci-1	Cankova	47	public	mostly	partially	unknown	yes	mostly	no
Domajinci-2	Cankova	39	spring	yes	partially	unknown	yes	yes	no
Gornji Črnci	Cankova	30	spring	yes	little	unknown	yes	yes	settled
Hankovi	Cankova	21	spring	yes	partially	unknown	yes	yes	no
Krašči-jezero	Cankova	23	spring	yes	mostly	unknown	yes	yes	no
Krašči-Olga	Cankova	52	own	yes	partially	unknown	no	yes	no
Sotina	Rogašovci	35	conveyed	a part	all	Roma	yes	yes	settled
Ropoča	Rogašovci	46	public	a part	partially	Roma	yes	yes	settled
Pertoča	Rogašovci	130	public	a part	partially	Roma	yes	yes	settled
Serdica	Rogašovci	131	conveyed	a part	mostly	Roma	yes	yes	settled
Sotina-Maribor	Rogašovci	55	conveyed	a part	partially	Roma	yes	yes	settled
Vanča vas	Tišina	291	local	a part	mostly	Roma	conditional	yes	planned
Borejci	Tišina	74	local	a part	mostly	Roma	conditional	yes	planned
Vadarci	Puconci	102	own	mostly	partially	Roma	unknown	unknown	unknown

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Kušanovci	Puconci	65	own	a part	partially	Roma	unknown	unknown	unknown
Dolina	Puconci	74	public	a part	mostly	private	purchase	unknown	unknown
Zenkovci	Puconci	150	public	mostly	partially	Roma	unknown	unknown	unknown
Dokležovje	Beltinci	30	public	yes	mostly	municipality	no	unknown	settled
Beltinci	Beltinci	70	local	yes	mostly	Roma partially	no	unknown	settled
Černelavci	M. Sobota	222	public	yes	mostly	Roma	partially	unknown	settled
Nemčavci	M. Sobota	30	public	yes	none	Roma	yes	yes	settled
Kranjčeva u.	M.Sobota	80	public	yes	partially	Roma	partially	unknown	settled
Pušča	M.Sobota	573	public	yes	partially	Roma	partially	unknown	settled
Dolga vas	Lendava	118	public	yes	mostly	SKZ*	conditional	yes	planned
Lendava	Lendava	48	public	yes	partially	unknown	no	no	settled
Pince	Lendava	2	public	yes	unknown	unknown	no	unknown	settled
Petišovci	Lendava	9	public	yes	unknown	unknown	unknown	unknown	settled
Dobrovnik-1	Dobrovnik	20	local	yes	partially	Roma	yes	yes	settled
Dobrovnik-2	Dobrovnik	30	local	yes	little	Roma	yes	yes	settled
Gomilica	Turnišče	42	public	yes	all	municipality	yes	yes	settled
Kamenci	Črenšovci	123	local	little	mostly	municipality, private	yes	yes	settled
Trnje	Črenšovci	26	public partially	little	all	municipality, private	conditional	conditional	settled
Brezje	Novo mesto	268	public	yes	partially	municipality, private, Roma	conditional	conditional	settled
Žabjak	Novo mesto	204	none	none	all	MORS,** private	no	no	no
Gotna vas	Novo mesto	27	public	yes	all	private, Roma	no	no	settled
Otočec	Novo mesto	22	public	yes	partially	municipality, private, Roma	no	no	conditional
Poganci	Novo mesto	73	public	yes	all	State, school, private	no	no	no

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Ragovo	Novo mesto	9	none	no	all	private	no	no	no
Ruperč vrh	Novo mesto	45	public	yes	partially	Roma, municipality	no	no	settled
Šmihel	Novo mesto	112	public	yes	mostly	municipality, Roma, private	no	no	settled
Roje	Šentjernej	8	public	yes	all	SKZ	no	no	settled
Draškovec	Šentjernej	25	public	yes	all	State, private	no	no	no
Kozarje	Šentjernej	18	public	yes	mostly	Roma	no	no	settled
Mihovica	Šentjernej	30	public	yes	all	SKZ, Roma	no	no	settled
Trdinova cesta	Šentjernej	77	public	yes	all	SKZ, municipality	partially	no	settled
Dobruška vas-1	Škocjan	50	none	no	all	private	no	no	no
Dobruška vas-2	Škocjan	120	none	no	all	private	no	no	no
Čudno selo	Črnomelj	27	none	yes	all	Roma	yes	no	settled
Drenovec	Črnomelj	38	partially	yes	little	Roma, municipality	yes	yes	settled
Lokve	Črnomelj	286	public	partially	all	Roma, private, municipality, SKZ	yes	partially	settled
Kanižarica	Črnomelj	153	none	yes	mostly	Roma, municipality, private	partially	partially	settled
Blatnik	Semič	15	public	yes	mostly	Roma, private	partially	yes	partially
Semič	Semič	9	none	yes	partially	private	no	no	settled
Belečnik	Semič	29	conveyed	no	all	private, Roma	no	no	no
Sovinek	Semič	44	conveyed	yes	partially	municipality	yes	yes	settled
Srednja vas	Semič	43	public	partially	little	Roma	yes	yes	settled
Svržaki	Metlika	41	public	partially	mostly	municipality	yes	yes	planned
Boriha	Metlika	114	public	yes	all	municipality,	yes	yes	planned

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						private			
Gaugen hrib	Metlika	49	public	partially	partially	Roma	yes	yes	planned
Doljno Dobravice	Metlika	43	public	yes	all	municipality, private, Roma	yes	yes	settled
Gradac	Metlika	36	public	yes	all	municipality, private	yes	yes	settled
Krušče	Brežice	60	pipe	no	all	private	no	yes	no
Drnovo	Krško	38	own	yes	all	private, Roma	no	yes	settled
Kerinov grm	Krško	170	public	no	all	municipality	yes	yes	settled
Leskovec	Krško	52	local	no	all	private	yes	yes	settled
Rimš	Krško	44	conveyed	no	all	diocese	no	no	no
Hudeje	Trebnje	250	public	little	all	municipality private	yes	conditional	settled
Korita	Trebnje	9	own	partially	all	private, SKZ	yes	yes	settled
Mala Loka	Trebnje	7	own	no	all	SKZ	yes	yes	settled
Trebnje	Trebnje	5	public	yes	none	private	no	no	settled
Glino	Trebnje	12	public	no	all	private	yes	yes	settled
Zagorica	Trebnje	13	public	no	all	private	yes	conditional	settled
Šranga	Mirna peč	6	public	yes	none	Roma	yes	no need	settled
Vrhpolje	Ivančna gorica	7	no	no	all	private	partially	no need	possible
Smrekec 1	Grosuplje	53	public	no	all	municipality, private	no	no	no
Smrekec 2	Grosuplje	57	public	no	all	municipality, private	no	no	no
Oaza	Grosuplje	31	public	no	all	private, municipality	no	no	no
Niko	Grosuplje	29	public	no	all	SKZ, private	no	no	no
Benat	Grosuplje	20	stream	no	all	Roma	no	no	no

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Trata-jezero	Kočevje	21	pipe	yes	all	municipality, private	no	no	no
Marof	Kočevje	27	public	yes	partially	SKZ, municipality	no	no	no
Kočevje	Kočevje	33	no	no	all	SKZ, municipality	no	no	no
Željno	Kočevje	186	no	no	mostly	SKZ, municipality	no	no	settled
Griček	Kočevje	19	public	yes	all	municipality	no	no	no
Trata-betonarna	Kočevje	65	no	no	all	municipality	no	no	no
Goriča vas	Ribnica	69	no	no	all	private, MORS, Roma	no	no	no
Lepovče	Ribnica	52	no	no	all	municipality	no	no	no
Otavice	Ribnica	8	no	no	all	private	no	no	no
SINTI									
Podkočna	Jesenice	6	public	yes	none	municipality	unknown	unknown	unknown
Na Potokih	Jesenice	family	public	yes	none	own	unknown	unknown	unknown
Žirovnica	Žirovnica	22	public	yes	none	SKZ	unknown	unknown	unknown
Kranj	Kranj	family	public	yes	none	own	unknown	unknown	unknown
Rečica	Bled	family	public	yes	none	own	unknown	unknown	unknown
Kamna gorica	Kropa	family	public	yes	none	own	unknown	unknown	unknown
Radovljica	Radovljica	family	public	yes	none	own	unknown	unknown	unknown
IMMIGRANT ROMA									
Litijska c	Ljubljana	52	public	yes	all	unknown	unknown	unknown	unknown
Ljubljana other	Ljubljana	600	partially	partially	mostly	diverse	partially	partially	settled
Maribor	Maribor	1300	partially	partially	mostly	diverse	partially	partially	settled
Velenje	Velenje	150	public	yes	none	private	yes	yes	settled

SKZ = Farmland and Forest Fund of the Republic of Slovenia

MORS = Ministry of Defence of the Republic of Slovenia

Sources:

- *Ministry for the Environment and Spatial Planning, Expert Group for Solving Spatial Issues in Roma Settlements (2007), Survey: Roma Settlements in Slovenia, February-March 2007 (all administrative units for each Roma settlement);*

- *Office for Nationalities (2004-2005), Housing Conditions of Roma in Slovenia by Municipalities, internal material*

- *P.Štrukelj (2004) Tisočletne podobe nemirnih nomadov, Ljubljana: Družina*

In: J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: Dela, No. 27, p. 244-246, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2003).

Note: Generalised overview due to the lack of space (as quoted from the source)

Table 8. Electricity and Water Supply in Roma Slovenian Settlements . Number of settlements by area.

Area	Water Supply			Share of Households with Electricity			Number of Roma Settlements
	Public water works	Local water sources	No water supply	All or most	Partial electricity supply	No electricity supply	
Prekmurje	19	16	3	23	15	0	38
Dolenjska*	32	7	18	27	6	24	57
Other	10	2	0	8	4	0	12
Total	61	25	21	58	25	24	107

*including, Bela krajina, Kočevsko and Posavje

Sources: Ministry for the Environment and Spatial Planning, Expert Group for Solving Spatial Issues in Roma Settlements (2007), Survey: Roma Settlements in Slovenia, February-March 2007 (all administrative units for each Roma settlement); Office for Nationalities (2004-2005), Housing Conditions of Roma in Slovenia by Municipality, internal material.

In: J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: Dela, No. 27, p. 227, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2003).

Table 9. Share of Irregular Buildings in Roma Settlements in Slovenia by Area. Number of settlements.

Area	All Illegal Buildings	Mostly Illegal Buildings	Part of the Building is Illegally Built	No or Small Share of Illegal Buildings	No Data	Number of the Roma Settlements
Prekmurje	3	12	16	4	4	38
Dolenjska*	39	6	7	4	0	57
Other	1	2	0	1	8	12
Total	43	20	23	17	12	107

*including, Bela krajina, Kočevsko and Posavje

Sources: Ministry for the Environment and Spatial Planning, Expert Group for Solving Spatial Issues in Roma Settlements (2007), Survey: Roma Settlements in Slovenia, February-March 2007 (all administrative units for each Roma settlement); Office for Nationalities (2004-2005), Housing Conditions of Roma in Slovenia by Municipality, internal material

In: J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: Dela, No. 27, p. 233, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2003).

Table 10. Roma Settlements in Slovenia According to Spatial Planning Definition. Number of settlements.

Area	Spatial Document ation in Order	Spatial Document ation Planned	Roma Settlements Outside Building Areas	Unknown, No Data	Number of Roma Settlements
Prekmurje	22	6	5	5	38
Dolenjska*	26	4	27	0	57
Other	3	0	0	9	12
Total	51	10	32	14	107

*including, Bela krajina, Kočevsko and Posavje

Sources: Ministry for the Environment and Spatial Planning, Expert Group for Solving Spatial Issues in Roma Settlements (2007), Survey: Roma Settlements in Slovenia, February-March 2007 (all administrative units for each Roma settlement); Office for Nationalities (2004-2005), Housing Conditions of Roma in Slovenia by Municipality, internal material;

In: J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: Dela, No. 27, p. 234, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2003).

Table 11. Ownership of the Land on which Housing and Other Objects of the Roma Settlements are Located. Number of settlements.

Area	Roma Own Most of the Land	Roma Own Some Parcels	Land owned by Municipality and/or the State	Other Owners (mostly private persons)	Unknown, No Data	Number of Roma Settlements
Prekmurje	18	1	6	2	10	38
Dolenjska*	5	13	14	25	0	57
Other	4	0	2	0	4	12
Total	27	14	22	27	14	107

*including, Bela krajina, Kočevsko and Posavje

Sources: Ministry for the Environment and Spatial Planning, Expert Group for Solving Spatial Issues in Roma Settlements (2007), Survey: Roma Settlements in

Slovenia, February-March 2007 (all administrative units for each Roma settlement); Office for Nationalities (2004-2005), Housing Conditions of Roma in Slovenia by Municipality, internal material

In: J. Zupančič (2007) 'Romska naselja kot posebni del naselbinskega sistema v Sloveniji', in: Dela, No. 27, p. 234, available at: http://www.ff.uni-lj.si/oddelki/geo/Publikacije/Dela/files/Dela_27/12_zupancic.pdf (31.03.2003).

3.2. Annex 2 – Court, Specialised Body or Tribunal Decisions

Case title	Case 0921-3/2007-43 (Forcible removal of a Roma family) ¹⁸⁶
Decision date	23. 3. 2009
Reference details (type and title of court/body; in original language and English [official translation, if available])	Zagovornik načela enakosti/The Advocate of the Principle of Equality (Case 0921-3/2007-43)
Key facts of the case (max. 500 chars)	In October 2006, several hundred inhabitants of Ambrus, a village in the Dolenjska Region, held protest meetings to demand that the local authorities remove a Roma family from a nearby settlement. The protest was allegedly fuelled by the unbearable life of the non-Roma population living in the vicinity of the Roma family, who were reportedly also involved with crime. The immediate cause of the protest was a violent incident the day before when a non-Roma inhabitant of the Roma settlement seriously injured a villager. The Minister of the Interior arrived to the scene to prevent further escalation, and under strong pressure of the non-Roma he reportedly mediated an agreement, including the removal of the Roma to a former-military barracks in the Centre for Foreigners in Postojna. Later on, the police prevented some members of the family from returning to their land.
Main reasoning/argumentation (max. 500 chars)	In January 2007, acting on behalf of the Roma family, two NGOs lodged a complaint with the Advocate of the Principle of Equality, the specialised equality body in Slovenia, against the Slovenian public authorities. The charge was that the public authorities facilitated the removal of the family and prevented the family from returning home. The petitioners stated that the above incidents amount to direct discrimination against the Roma family on ethnic grounds. Also, among other things, the

¹⁸⁶ In Slovenia, court and other cases do not bear a specific title, but are filed by reference number. The Constitutional Court's cases were named after the official title of the Constitutional Court's decision as published in the Official Gazette of the Republic of Slovenia. In addition, the titles in brackets were added by the NFP to denote the main issues considered in the cases handled both by the Constitutional Court as well as other bodies.

	<p>petitioners noted that the alleged agreement which was reached between the Roma and public authorities, and the family's approval to be removed, were the result of a threat and not their free will. In addition, the petitioners utilised the 'comparator' concept, claiming that a hypothetical Slovenian family would not be treated in the same way as the Roma family in the same situation. They also suggested that the Advocate issue an opinion, confirming that the principle of equal treatment was violated on the part of public authorities, and to provide for recommendations on how the established irregularities should be rectified. Furthermore, they suggested that the Advocate cede the case to the competent inspectorate since the alleged violator failed to remedy the alleged violation, and to prioritise the case hearing, as representing a severe violation of the principle of equal treatment.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>In 2009, two years after the complaint was lodged, the Advocate issued his/her opinion. Previously, the Advocate obtained information from, among others, the family representative, the Human Rights Ombudsman, Ministry of the Interior, relevant Centre for Social Work, the Minsitry for the Environment and Spatial Planning, and the relevant municipality, as he/she was of the opinion that a broader context leading to the event should also be observed. Thus the Advocate noted inter alia that the family lived in irregular accommodation without electricity and running water, that the children did not go to school regularly, that criminal denouncements were lodged against some members of the family, and that the protest by the inhabitants of Ambrus was directly provoked by the violent incident. In addition, the Advocate established that an essential element in observing cases of discrimination is the 'comparative test.' Namely, that cases of alleged discrimination should be compared with another event which occurred in the past, as well as with hypothetical cases in which one could merely assume what would happen(provided that the cases are similar regarding all of the essential circumstances except the personal features of the persons involved). In addition, the Advocate invoked the definition of 'adequate housing,' as employed in the Recommendation Rec(2005)4 of the Committee of Ministers to the Member States on improving the housing conditions of Roma and Travellers in Europe.¹⁸⁷ The information obtained, noted that no comparable case had occurred to provide a comparison. The accommodation in the alternative location was not worse than that on the Roma land. Moreover, seeking of an alternative location for the family was already actual due to the implementation of the Inspectorate's decision confirming</p>

¹⁸⁷ The definition provided for by the United Nations Habitat Agenda for "adequate housing", paragraph 60, should be borne in mind in the context of the present text: "Adequate shelter means more than a roof over one's head. It also means adequate privacy; adequate space; physical accessibility; adequate security; security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure, such as water-supply, sanitation and waste-management facilities; suitable environmental quality and health-related factors; and adequate and accessible location with regard to work and basic facilities: all of which should be available at an affordable cost".

	<p>the irregularity of accommodation built by the Roma. The Advocate concurred with the Inspectorate that by removing the Roma, better security for the inhabitants of Ambrus, and protection of the environment was secured. The Roma also benefited by obtaining access to a spring located in the new area. By observing the actual circumstances and the agreement reached between the Roma and public authorities, the Advocate established that no ethnic discrimination regarding removal of the family, including when the family was prevented from returning to their land.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>On 31 March 2009, the petitioner issued a public announcement, condemning the Advocate's opinion as one-sided and inexpert. They asserted that the petition was not only intended towards requesting the Advocate's opinion in a particular case, but was also aimed at testing the independence of the body in cases involving public authorities as alleged violators. Also, the petitioner noted, among other things, that the Advocate only established the facts presenting the Roma family in a negative light, avoided observing particular discriminatory actions, and backed the moves taken by public authorities. In addition, they exposed the comparison of housing conditions before and after the removal of the family as an absurd criterion, since the housing conditions of the family were already very unfavourable. They further asserted that this could mean that, irrespective of the manner of removal, no discrimination could take place if one is accommodated in a luxury hotel. According to the petitioners, it took two years for the Advocate to produce the opinion, which was unreasonable with regard to the protection of the victims' rights. In the end, the petitioners called on the Advocate and the public authorities to resign from their positions and to provide for independent bodies.¹⁸⁸</p> <p>The Human Rights Ombudsman also reviewed the case on his/her own initiative, and reported the following in its 2006 annual report (launched in 2007): 'Similar grounds also led to one of the greatest violations of the rule of law and human rights when state institutions subordinated themselves to the demands of the majority in Ambrus and illegally displaced the Roma Strojan family. Particularly unacceptable was the position of the Minister of the Interior who had promised demonstrators that the family would never return to its home. In this manner, he violated a number of constitutional freedoms, particularly those from Article 32 which guarantee the freedom of movement and choice of residence. The justification that the family had agreed to a (temporary) move is untrue, since this decision had been coerced. This is also confirmed by the fact that during the entire time of their temporary residence in the refugee centre in Postojna, they were monitored and prevented from returning to their former home. During the period when the police prevented the family from returning to their home (for the reason of their own safety), the Municipality of Ivan-na Gorica changed the family's temporary residence to Postojna, thus enabling the demolition of their dwellings. Although the dwellings had been constructed illegally without a permit, the question nevertheless arises</p>

¹⁸⁸ <http://www.mirovni-institut.si/Izjava/Detail/si/izjava/Izjava-za-javnost-glede-mnenja-Zagovornika-nacela-enakost/> (31.03.2009).

	<p>whether the demolition was indeed that urgent in the middle of winter knowing that there were several thousand similar buildings in Slovenia which were not demolished. The excuse that the buildings posed a threat to the water system also fails to convince knowing that in the same area, several settlements exist which also threaten the drinking water to the same degree if not even more so. Some ten illegal buildings are also located within these settlements which do not seem bother the authorities. Such a distinction – different treatment from the state in the case of Roma families and non-Roma families – represents a classic case of discrimination. Here we should emphasise that punishment can only be enforced individually and only on those the court has proven to be guilty; children may not be punished for the criminal offences or violations of their parents. In this case, this regards the group punishment of children who are specially protected by the Constitution and the UN Convention on the Rights of the Child.</p> <p>Here we cannot forget the bursts of intolerance against this Roma family and the Roma people in general. Even more than in these bursts of intolerance which are the result of the poor rule of law in the past, and even more so of the irresponsible actions of some politicians who, by expressing their hatred towards minorities amassed election votes, the problem lies in the erroneous and even illegal responses of state institutions to the bursts themselves. By this we mean the non-action and even support of the outpouring of intolerance. Upon the displacement of the Roma family and the search for a new permanent residence for them, four municipalities adopted illegal decisions prohibiting the placement of Roma people on their territories. These decisions are in any case illegal and probably even punishable, for they encourage racial intolerance and discrimination. This is also evident in legal practice, for the court convicted representatives of a local community for a similar but less serious offence a few years ago.¹⁸⁹</p>
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Case title	Case 10.1 -8/2007 (Settlement of a Roma family prevented)
Decision date	2008

¹⁸⁹ Slovenia/Varuh človekovih pravic (2007), Annual Report 2006, pp. 15-16, available at: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/Varuh_LP_2006_ANG.pdf (31.03.2009).

<p>Reference details (type and title of court/body; in original language and English [official translation, if available])</p>	<p>Varuh človekovih pravic Republike Slovenije [Human Rights Ombudsman of the Republic of Slovenia] (Case 10.1 -8/2007)¹⁹⁰</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>A local community has involved the Ombudsman in the attempts to assist a Roma family in changing their residence in the Novo Mesto Municipality through public funds. However, as a condition to municipal consent to cooperate in the process of purchasing a substitute piece of real-estate, the internal guidelines of the Novo Mesto Municipality set the consent of the other municipality as a precondition to the settlement of a Roma family in a new environment. The deal failed because of the explicit opposition of the Žužemberk Municipality and its inhabitants. In a media statement, the Mayor sent out a clear message that such a deal (because of the Roma ethnic origin of the interested buyers) 'would surely' be prevented, since the Municipality has had 'a series of problems with Roma in the past.' In the internal rulebook of municipal bodies (which the Mayor publicly disclosed with his own statements), the concern of the municipality where Roma are not present, and shall not be, is defined as a political goal in advance, and demands adoption of related measures. Thus, the Mayor has openly announced that Žužemberk, both in the past, in this concrete example, and in the future, would try to prevent such or similar private-law businesses. Žužemberk would either utilise the issuance procedure of a certificate on the earmarked use of land, or preemptive municipal rights 'just to avoid such a thing to take place.' In addition, he also expressed his firm belief that this is the 'legal' way. In the suggestion prepared for the Ombudsman, the initiators have warned that this is an example of rude systemic discrimination of the Roma to freely choose their place of residence.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Ombudsman delivered an opinion to the Novo mesto Municipality that their practice corresponds with direct discrimination based on one's ethnic origin. Furthermore, the Ombudsman stated that the effects of such a negative condition set for the change of one's residence (also in the case that a lack of the inhabitant opposition would be set as a condition in all cases of providing assistance for the settlement of lodging distress) also fit the definition of indirect discrimination on the basis of numerous personal circumstances. According to the Ombudsman, such a condition is only seemingly neutral, and affects the Roma in an explicitly disproportionate manner. The Mayor of Žužemberk Municipality was warned that wilful opposition towards the settlement of Roma in his municipality is utterly illegal, and that this may be, in no way, just a more benign form</p>

¹⁹⁰ Data submitted by the Human Rights Ombudsman upon request.

	of direct racial, namely ethnic discrimination. In addition, the Ombudsman noted that it is not important whether the guidelines have been used in particular cases or not, since the Mayor's public statements have already had a depreciative effect: he announced the way the municipality acts or would act if Roma would try to purchase land on its territory. According to the Ombudsman, this municipality consciously created circumstances in which racial discrimination of Roma took place, is taking place and could easily take place.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	In addition, the Ombudsman also noted such practices which represent an illegal restriction of the Roma right to free choice of their place of residence, support and maintain, and even instigate segregation (namely spatial and social separation) of the Roma population.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	In their response, the Novo mesto Municipality did not want to accept the Ombudsman's estimates of the effects of their actions, but they stated that they shall consider his/her recommendations. The Mayor of Žužemberk Municipality did not respond, so the Ombudsman announced the suspicion that a crime related to the breach of equality has been committed in accordance with Article 145 of the Criminal Procedure Act. ¹⁹¹

Case title	(Case 0.4 - 83/2006) (Discrimination in access to housing)
Decision date	2006
Reference details (type and title of court/body; in original language and English [official translation, if available])	Varuh človekovih pravic Republike Slovenije [Human Rights Ombudsman of the Republic of Slovenia] (Case 0.4 - 83/2006)
Key facts of the case (max. 500 chars)	Three men, including a Roma person, responded to an advertisement for private housing rental, and paid a visit to the landlord. The landlord snubbed the Roma person for his darker skin, and upon finding out that the person was actually Roma, explicitly

¹⁹¹ Slovenia/SOP 1994-01-2168 (29.09.1994, and subsequent modifications)

	refused to rent property on the ground of his ethnicity. He also added that the Roma man was not even a Slovenian citizen. On the other hand, he was allegedly prepared to rent the place to his two non-Roma friends. The Roma man opined that such treatment was racist, and, being deeply insulted, referred the case to the Ombudsman. The Ombudsman thought that the case included substantiated evidence of ethnic discrimination. As the Ombudsman's powers do not apply to the private sector, the case was transferred to the Market Inspectorate and the Housing Inspectorate, but both agencies failed to act. Such reluctance provoked the Ombudsman's criticism.
Main reasoning/argumentation (max. 500 chars)	According to the Ombudsman, such a distinction, namely that the landlord was allegedly prepared to rent the accommodation to two non-Roma persons, represents direct discrimination on the grounds of ethnicity.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Ombudsman also noted that direct discrimination may be based not only on the actual characteristics of an individual, but also on someone's perceived features. Furthermore, the Ombudsman discussed another concept, namely that the two friends might also be victims of discrimination by association, and concluded that, in this case, the landlord also refused to rent to the Roma person's friends.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Ombudsman thought that the case included substantiated evidence of ethnic discrimination. However, as the Ombudsman's powers do not apply to the private sector, the case was transferred to the Market Inspectorate and the Housing Inspectorate, but both agencies failed to act. Such reluctance provoked criticism by the Ombudsman. Regarding the case in question, the Ombudsman pointed to an alarming situation where there was no clear demarcation of competencies between the two inspectorates. unclarity regarding the specific responsibilities of each inspectorate prevented the state from effectively handling the cases of discrimination in the field of housing.

Case title	Case K 50/99 (Settlement of a Roma family prevented)
Decision date	31.12.2001
Reference details (type and title of court/body; in original language and English [official translation, if available])	Okrajno sodišče v Ilirski Bistrici [Local Court in Ilirska Bistrica] (Case K 50/99)

Key facts of the case (max. 500 chars)	After receiving the information that a Roma person intended to buy a house in their village, the president of the local community organised a meeting at which a decision was adopted that Roma are not welcome. The president then produced the minutes, including the mentioned decision. The other defendant then collected the signatures to verify the said decision. ¹⁹²
Main reasoning/argumentation (max. 500 chars)	The Court established that the above activities represented a crime, punishable under Article 300 of the Penal Code. The latter prohibits incitement to racial, ethnic or religious hatred, discord or intolerance. After receiving the sentences, the accused did not express the intention to appeal the Court's decision. In such cases, the judges are not obliged to produce their reasoning in writing.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court established that the action taken by the local authorities amounted to a violation of Article 300 of the then Penal Code, which prohibits the incitement to racial, ethnic and religious hatred, strife and intolerance.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	According to the available data, this is a precedent ruling, and it would be important to observe its impact on similar cases, as well as the sentences imposed.. In this case, one defendant was given a three-month suspended sentence (one-year probation period), while the other received a two-month suspended sentence (one-year probation period).

¹⁹² Later on, the president of the local community posted the decision to Ilirska Bistrica's Mayor, to the head of the Administrative Unit of Ilirska Bistrica, to the Ilirska Bistrica Police Station, as well as to the seller and the buyer of the house in question. Information submitted by the Local Court of Ilirska Bistrica upon request.

Case title	Pobuda za začetek postopka za oceno ustavnosti petega odstavka 87. člena Stanovanjskega zakona (Uradni list RS, št. 69/03 in 57/08) se zavrže [The Petition for the Commencement of Proceedings for the Review of the Constitutionality of Paragraph 5, Art. 87 of the Housing Act (Official Gazette RS, 69/03 and 57/08)) is Rejected] (Access of third country nationals with long-term resident status to housing)
Decision date	19.06.2008.
Reference details (type and title of court/body; in original language and English [official translation, if available])	Ustavno sodišče Republike Slovenije [Constitutional Court of the Republic of Slovenia] Slovenia/Ustavno sodišče/ U-I-263/07-6 (19.06.2008)
Key facts of the case (max. 500 chars)	In October 2007, a non-Roma third-country national with the long-term resident status, and the citizen of Bosnia and Herzegovina, submitted a request for the assessment of the compliance of Article 87, Para. 5 of the Housing Act ¹⁹³ with the Constitution to the Constitutional Court. The latter lays down beneficiaries of the non-profit housing rental scheme, and it only includes Slovenian citizens. ¹⁹⁴ The complainant was of the opinion that the said provision ran contrary to the Constitutional provisions providing for equality before the law. Moreover, the complainant called for the immediate application of the legal acts of the international organisation to which Slovenia transferred a part of its sovereign rights in connection to the provisions of Council Directive 2003/109/EC laying down equal rights of citizens and long-term residents regarding access to housing.
Main reasoning/argumentation (max. 500 chars)	In 2008, the Constitutional Court rejected this initiative on the grounds of the complainant's failure to exhaust all legal remedies before approaching the Constitutional Court.

¹⁹³ Slovenia/SOP: 2003-01-3312, (19.06.2003)

¹⁹⁴ Upon fulfilling the principle of reciprocity, Article 160 of the mentioned Act also stipulates the right of EU nationals with permanent residence in Slovenia to apply for non-profit housing.

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	As the Court rejected the petition, the state of affairs remains unchanged, and non-profit rental housing is still not accessible for other groups, including persons holding permanent residence permits. As many Roma are without citizenship, and nor do they have the means to buy or rent accommodation at market prices, they are markedly affected by this provision of the Housing Act. This is especially the case with Roma living in urban centres.
Case title	Ugotovitev, da sta zakon o lokalni samoupravi in statut Mestne občine Novo mesto v neskladju z ustavo in zakonom (Ruling stating that the Local Self-Government Act and the Charter of Novo mesto Municipality are not in conformity with the Constitution and the law) Slovenia/ Ustavno sodišče/U-I-416/98-38 (22.03.2001); Official Gazette No. 28/2001 (19.04.2001) (Roma political participation)
Decision date	22.03.2001
Reference details (type and title of court/body; in original language and English [official translation, if available])	Ustavno sodišče Republike Slovenije [Constitutional Court of the Republic of Slovenia] Slovenia/ Ustavno sodišče/U-I-416/98-38 (22.03.2001); Official Gazette No. 28/2001 (19.04.2001)

<p>Key facts of the case (max. 500 chars)</p>	<p>In 1999, a member of the Roma community from Novo mesto submitted a request for the assessment of the Charter of Novo mesto Municipality, claiming that a statute is in disagreement both with the Constitution¹⁹⁵ and Art. 39 of the Local Self-Government Act (hereinafter the LSGA),¹⁹⁶ as it did not provide for the election of a Roma councillor to the Municipal Council.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>Representatives of Novo mesto stated that the Roma were not the autochthonous population in Novo mesto. Also, they claimed that the Roma could not elect their representative, as the law did not define the term 'autochthonous.' Upon consultation with several institutions,¹⁹⁷ the Court established that the Roma were an autochthonous population of Novo mesto, and the Novo mesto Charter was thus in disagreement with the LSGA. Article 39 of the LSGA also defined the right of the Roma to have a local representative, but failed to provide the criteria for exercising this right,¹⁹⁸ thus violating Art. 2 of the Constitution.¹⁹⁹</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Court emphasized that Art. 65 of the Constitution, which stipulates special rights of the Roma living in Slovenia, empowers the legislator to ensure special protection of the Roma (positive discrimination). According to the Court's interpretation, in this case the legislator is not bound by the constitutional principle of equality.²⁰⁰</p> <p>It is also important to note that the judges were aware of the dubious status of the concept of 'autochthonism,' which resulted in a certain contradiction in the Court's ruling.²⁰¹ This concept, however, has not been defined in any legal document so far.</p>

¹⁹⁵ Article 65 (Status and Special Rights of the Romany Community in Slovenia) of the Constitution reads as follows: 'The status and special rights of the Romany community living in Slovenia shall be regulated by law.'

¹⁹⁶ Article 39, paragraph 5 stipulates that 'In areas in which an autochthonous Roma community lives, the Roma shall have at least one representative on the municipal councils.'

¹⁹⁷ Government Office for Nationalities, Institute for Ethnic Studies

¹⁹⁸ The Article 39, paragraph 5 did not include criteria defining "autochthonism" of the Roma in a specific region.

¹⁹⁹ Legal indeterminacy violates the principle of the rule of law. In its decision, the Court requested that the legislator remedy the inconsistencies in the LSGA by providing a more detailed definition of 'autochthonism,' and especially defining the time-frame in which municipalities should provide for the election of a Roma representative.

²⁰⁰ However, it is up to the legislation to define the extent of these special rights. For example, the Local Self-Government Act gave the Roma the right to have a representative on municipal councils..

²⁰¹ On the one hand, as it did not define specifically the criteria enabling municipalities to assess whether Roma communities are autochthonous in a specific region or not. the Court ruled that the Local Self-Government Act is inconsistent with the Constitution. On the other hand, the term 'autochthonism,' the definition of

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>In 2002, the National Assembly amended the LSGA.²⁰² Although the legislator did not specifically define the term 'autochthonism,' it explicitly listed twenty municipalities²⁰³ which should provide for the election of a Roma councillor in the 2002 local elections at the latest. So far, nineteen municipalities have amended their statutes in accordance with the LSGA, and have an elected Roma representative on their councils.</p> <p>With regard to the situation of the Roma in housing, this case is important. It appeared that practically all measures undertaken by the national authorities intended for the improvement of Roma housing conditions were only implemented in the municipalities listed in the amended LSGA(provided that they have an elected Roma councillor in their councils). In these municipalities, Roma are considered to be 'autochthonous.'</p>
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which should therefore be provided for by the said law, was, despite consultations with relevant institutions, taken somehow for granted when the Court established that the Charter of the Novo mesto Municipality was inconsistent with the Local Self-Government Act.LSGA did not include provisions ensuring local autochthonous Roma a representative on the municipal council. For further discussion, please see the opinions of Judges Čebulj and Testen in the integral text of the decision.

²⁰² Slovenia/ SOP: 2002-01-2484, (11.06.2002).

²⁰³ These include the following municipalities: Beltinci, Cankova, Črenšovci, Črnomelj, Dobrovnik, Grosuplje, Kočevje, Krško, Kuzma, Lendava, Metlika, Murska Sobota, Novo mesto, Puconci, Rogašovci, Semič, Šentjernej, Tišina, Trebnje and Turnišče.

3.3. Annex 3 – Bibliography

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- Stvarnopravni zakonik/ Law of Property Code
- Zakon o graditvi objektov/ Construction Act
- Zakon o splošnem upravnem postopku// General Administrative Procedure Act
- Zakon o varstvu okolja/Environmental Protection Act
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- Kazenski zakonik/Penal Code
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