

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Resolution ResCMN(2006)6 on the implementation of the Framework Convention for the Protection of National Minorities by Slovenia

*(Adopted by the Committee of Ministers on 14 June 2006
at the 967th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Slovenia on 25 March 1998;

Recalling that the Government of Slovenia transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 2 July 2004;

Having examined the Advisory Committee's second opinion on Slovenia, adopted on 26 May 2005, and the written comments of the Government of Slovenia, dated 1 December 2005;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Slovenia:

a) Positive developments

The progress made by Slovenia in developing its anti-discrimination legislation, particularly the passage of the Act on Equal Treatment in May 2004, is to be welcomed. Another positive development has been the setting up, under the aforementioned Act, of the Council for the Implementation of the Principle of Equal Treatment and the establishment of the post of Advocate for the Principle of Equality as institutional mechanisms for ensuring the proper implementation of the principles of equality and non-discrimination. It is also noted that discussion is under way regarding a possible law dealing specifically with the protection of the Roma.

As regards practice, the Hungarians and Italians continue to enjoy a high level of protection, and a climate of mutual understanding characterises the relations between these minorities and the majority.

In recent years, Slovenia has developed a range of programmes and measures aimed at improving the social and economic situation of the Roma, providing solutions to the problems they face in the education field and, more generally, combating their social exclusion and marginalisation. Further efforts have also been made to step up their participation in public affairs, particularly at local level.

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

In terms of tolerance and intercultural dialogue, public institutions such as the Ombudsman and the Constitutional Court have pursued an inclusive and active approach and made continuous efforts to promote respect for human rights and diversity in Slovenia.

b) Issues of concern

The personal scope of application given to the Framework Convention by the Slovene authorities remains limited. In particular, the exclusion of certain Roma and of non-Slovenes from former Yugoslavia (SFRY) and the lack of dialogue in this respect give grounds for concern. The situation of those non-Slovenes from former Yugoslavia (SFRY) whose legal status has still not been resolved raises substantial problems in terms of access to social and economic rights, including educational rights, and effective participation.

There are still shortcomings in the implementation of legislative provisions having a bearing on the protection of minorities, together with shortcomings in the resources allocated by the state in this area. As a result, difficulties have been reported by the various groups in respect of the preservation and affirmation of their identity and culture. As regards the Hungarians and Italians, there are still problems in the implementation of the legislation relating to protection of their linguistic rights in the "ethnically mixed areas". Another source of concern is the insufficient attention paid to the concerns expressed by persons belonging to national minorities in decision-making affecting them.

Notwithstanding the measures taken by the authorities, the situation of the Roma is still a cause of concern. There remain substantial problems in the housing, employment and education fields. Concerns about equality for Roma children in education persist, since the practice of segregating these children in Slovene schools – ordinary or "special" – has not yet been completely abolished.

There are concerns about ongoing displays of a lack of understanding, and even hostility, towards certain persons, such as non-Slovenes from former Yugoslavia (SFRY) and the Roma, although these are isolated. It is regrettable that such displays are also reported among certain public officials and politicians, as well as in some media.

2. Adopts the following recommendations in respect of Slovenia:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- undertake wider consultation with representatives of the various ethnic groups and civil society regarding the personal scope of application given to the Framework Convention in Slovenia;
- find without further delay solutions to the situation of non-Slovenes from former Yugoslavia (SFRY) whose legal status in Slovenia has still not been regularised and take specific measures to assist these persons on the social and economic front;
- take enhanced measures to prevent and combat discrimination and social exclusion of and among the Roma; make every effort, in consultation with those concerned, to improve their situation in fields such as employment, housing and education;
- take all necessary measures to eradicate completely the practice of segregating Roma children in the school system and ensure that they enjoy equal opportunities in access to quality education at all levels;
- increase the assistance granted to cultural projects and other activities, including as regards access to media, fostering the preservation and affirmation of the cultural, linguistic and religious identity of the Hungarians, the Italians and the Roma, ensuring that the relevant legislation is applied in practice and that resources are commensurate with needs;

- look for ways to increase the level of state assistance granted to non-Slovenes from former Yugoslavia (SFRY) and to the German-speaking persons in their efforts to develop their identity through education, culture and the media;
 - prevent and combat displays of intolerance and xenophobia, including on the political scene, via every possible means; more actively foster a sense of respect for diversity and multiculturalism among the public, and encourage and support the media to play a more active role in this regard;
 - identify, in conjunction with representatives of the minorities, ways to improve their participation in the taking of decisions concerning them, at local and central level.
3. Invites the Government of Slovenia, in accordance with Resolution (97) 10:
- a. to continue the dialogue in progress with the Advisory Committee;
 - b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.