Rise of xenophobic nationalism in Europe: A case of Slovenia

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Abstract

The article focuses on rise of nationalism and xenophobia in Slovenia. It starts by considering the issue of unrecognized minorities in Slovenia (former Yugoslavia nations) that have no minority rights, despite being large groups, as many international organizations for the protection of minorities have pointed out. A particular issue in this relation for Slovenia is the ‘Erased’ – the individuals who did not acquire Slovenian citizenship when Slovenia seceded from federal Yugoslavia – and despite the European Court of Human Rights (ECHR) decision, the Slovenian state has still not recognized their rights, which were violated in the post-independence period. The article also examines two other minorities in Slovenia, the Jews and the Roma. The article finds Slovenia to be a closed, non-globalised society which, in spite of its constitutional declaration to protect the rights of minorities and other national communities, is seeking to retain a politically and culturally homogeneous nation state.

Introduction: rise of nationalism in Europe

The early part of the 21st century has been marked by a renewed rise in nationalism in many parts of the world. At the same time we are experiencing the biggest global economic crisis since the Second World War. In Europe the near bankruptcy of Greece has provoked differing responses from the other EU members. Unemployment has risen and the idea of social security is barely mentioned. The adoption of the Lisbon Treaty has done nothing to reduce the EU’s democratic deficit.

In Germany the response to a book by the (now former) Bundesbank board member Thilo Sarrazin, entitled Deutschland schafft sich ab (‘Germany Does Away With Itself’), came as a surprise (Sarrazin, 2010). The book became a hit despite, or perhaps because of, its xenophobic claims about Muslims and foreigners, who Sarrazin believes are ‘unable and unwilling’ to integrate into German society. The fact that this contentious book became a bestseller in Germany in 2010 reveals the true picture of rising nationalism in that country in the 21st century.

As with fear of Muslims in Germany, fear of Roma is growing in the countries of Western Europe, which should be a model of democracy and tolerance for ex-Communist Eastern Europe. For example, in July 2008 the Italian authorities fingerprinted thousands of Roma – adults and children – living in camps throughout the country. This controversial measure was adopted as part of a broader government initiative against street crime. Similarly, French President Nicolas Sarkozy’s decision to expel hundreds of Roma from France and send them back to Romania and Bulgaria, from where they had supposedly come, surprised not only the rest of Europe but also much of the French population too.

In addition to persecutions of unwanted immigrants and Roma, the West also faces a re-emerged anti-Semitism. The Holocaust massively reduced its numerous Jewish community during WWII, yet negative attitudes, resentment and hatred have remained to this day, despite the small number of Jews in Europe. Spain is the European country with the highest level of recorded anti-Semitic attacks on persons and on property, anti-Semitism in the media and on the Internet, efforts to trivialize the Jewish Holocaust, dissemination of anti-Semitic literature, as well as anti-Semitism in public institutions (Kern, 2011). Physical attacks against Jews and Jewish facilities are carried out on a daily basis, mainly in Western Europe. A few of the
incidents in 2010 which stand out: attacks thwarted in Turkey, bomb attacks against Jewish institutions in France, Germany and Belgium. Anti-Semitic incidents were also seen in Sweden, the synagogue in Malmo becoming a target for attack (Sylvetsky and Kempinsky, 2011).

It is interesting that Kymlicka (2002) describes recent deviations by West European countries from the “immigrant multiculturalism” model as temporary deviations from an underlying trend towards accommodation. Kymlicka considers that xenophobia in Western Europe is only a temporary phenomenon, since states realise that they need minorities and multiculturalism in terms of raising birth rates, retaining awareness of respect for human rights and protecting democracy. A question to which we do not yet know the answer is whether the retreat from “immigrant multiculturalism” following the 9/11 event and the global economic crisis of 2008 is genuinely only a temporary deviation, or if it is a radical, rather than temporary, change from the previous model.

Nationalism is different in Western and Eastern Europe, and the differences arise from the historical formation of nations in the two parts of Europe. The West can boast of centuries developing and forming the nations from the peoples on their territory. The historian Ivan T. Berend (2007) explains the emergence of nations in the West and East. While the development of the nation and nationalism in Western Europe was based on the establishment of shared, connecting elements, such as territory, people and the nation, the situation in Eastern Europe was different, since the ‘nations’ belonged to different empires (Ottoman, Austro-Hungary, Russia), and therefore could not use territory as a unifying element.

They have therefore established ethno-cultural, family (blood) relations as the criterion for belonging to a particular tribe and hence strengthened their nationalism. It is understandable that modern membership in the nation and this nationalism of the East is different from that of the West, starting out as it did from the position of conglomeration of nations within an empire. The acquisition of their own territories and the formation of their own states in the 19th century therefore led to confrontations between the dominant nations and the “minorities” within the same territory. The choice for the minorities was assimilation or exclusion. This policy of aggression and the exclusive treatment of minorities has remained and even strengthened in the countries of Eastern Europe.

In Hungary, the far-right party Jobbik garnered the most attention, as they threaten retribution against corrupt lawmakers and “gypsy criminality”. The party did best in the country’s rundown, often jobless eastern regions, where it played on growing fears of crime, which it linked to the Roma (Gypsy) minority. Jobbik denies anti-Roma racism; it says it is just against gypsy criminals. But the badges, black trousers and heavy boots of its uniformed wing, the Magyar Garda (Hungarian Guard), which marches in formation against Roma wrongdoers, evoke unhappy memories of Hungary’s past. In addition to public persecutions of Roma people, Jobbik is once more spreading hatred of the vastly reduced post-war Jewish community. Hungary provides just one example of current East European countries dominated by center-right policies (Werner Müller, 2011). It must be stressed that policies of exclusive nationalism are quite common in countries with the right-wing or center-right governments now currently in the ascendency in Europe – only three countries at present have center-left governments (Bugaric, 2011).

The spread of nationalism and xenophobia has been recorded throughout Europe, however, the article will focus on these processes in Eastern Europe with a special focus on Slovenia. Slovenia is an East European country that is quite unusual, since before independence from communist Yugoslavia it had no history as a separate state, that is, an official national entity sited on its own territory. These circumstances may also be a source of nationalism-related problems, since Slovaks were considered within Austro-Hungary as one of the “non-historical nations”, in addition to the Slovaks and Galician Ruthenians. This has led to the assimilation and exclusion of “Others” – people from minorities – being more of an emphasised than in other East European nations with a lengthier history.

The article continues by considering the issue of unrecognized minorities in Slovenia, former Yugoslavia nations, which have no minority rights, despite being large groups, as many international organizations for the protection of minorities have pointed out. The situation is not improving, and despite ideas of creating a status of “new” minorities, members of these minority groups remain without legal status. A particular issue in this relation for Slovenia is the ‘Erased’ individuals who did not acquire Slovenian citizenship when Slovenia seceded from federal Yugoslavia, and despite an ECHR decision (Kurić and Others v. Slovenia), the Slovenian state has not recognized their rights, which were violated in the post-independence period. Furthermore: the Slovenian state has never acknowledged and accepted its legal and factual errors, let alone offered an apology.

The article will also examine “imaginary enemy who does not actually exist” - Jews in Slovenia. The concept of an imaginary enemy is relevant given the small number of Jews in the country, which does not prevent widespread negative attitudes and prejudices against them. Finally, the issue frequently covered in the media, is protection of the Roma community in Slovenia, which is a particularly “tough nut to crack”. Despite the constitutionally declared “separate, protected” status of the Roma community, its position is unenviable, as violations of Roma rights have become everyday practice, something the state no longer even tries to hide.

Xenophobic nationalism in Slovenia

The starkest forms of exclusivist and violent xenophobic nationalism are to be found in the countries of Central and Eastern Europe, where, according to Bugaric, the governments, political parties and political movements that emerged with the transition from communism to liberal capitalism became ‘the true voice of the common people against the corrupt elites’ (Bugaric, 2008). In that spirit, exploiting a mistrust in constitutional courts and the judiciary in general as a smokescreen,
governments are also attacking the constitutionally guaranteed rights and freedoms of ethnic minorities, the Roma, homosexuals, transsexuals and other social groups who do not fit the organic, ethnic and culturally conservative concept of the nation. Countries which lived through communism no longer even try to conceal their nationalism, xenophobia and anti-Semitism.

When Slovenia became independent on 25 June 1991, it undertook both in its Constitution (Official Gazette of the Republic of Slovenia (OGRS) 33/1991, Articles 5, 14, 15 and 25) and in international obligations to safeguard human rights for all people living on its territory without any discrimination whatsoever. In accordance with Article 63 of the Constitution, any incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious or other hatred and intolerance are unconstitutional. The concept of equal treatment for everyone in Slovenia has also been emphasised on many occasions in Constitutional Court judgments. The purpose of the Constitution is not to provide a theoretical, formalistic recognition of human rights, but to actually secure their effective implementation.

In Slovenia, nationalism is mainly expressed in relation to members of the former Yugoslav nations who remained in Slovenia after its independence from Yugoslavia, including the children of these immigrants who were born in independent Slovenia. These people, despite being lumped together as a single ex-Yugoslav group, include the following minorities: Slovenians, Montenegrins, Croats, Macedonians, Serbs and Albanians, formerly living primarily in Kosovo. Another group is the Roma who are accepted very differently according to the region of Slovenia, while a third group is Jews who are more of imagined minority, given their numbers are so low in Slovenia. It is important to note that Slovenia provides special protection for an Italian minority on its western border, and a Hungarian minority on the north-eastern border.

Slovenes are not xenophobic or nationalistic toward these two minorities. Quite the opposite could be argued in the case of the Italians, since the Slovenian-Italian bilingual area has established a “higher status” for Italians, to the extent that many Slovenes in this area have preferred to identify themselves as Italians. Slovenes has also Slovenized Italian, speaking Slovene combined with Italian words. Even in school, children learn Italian, although in comparison to other nationalities present in Slovenia it is a very small community. It is, however, “autochthonous”, which means that like the Hungarian community, it has special, constitutionally-protected minority rights.

The position of national minorities in Slovenia

Autochthonous v. “New” minorities

Slovenia’s legal system only specifically regulates and guarantees protection for the Italian and Hungarian minorities and the Roma community. The Constitution of the Republic of Slovenia defines both the rights of the autochthonous Italian and Hungarian national minorities and the status and special rights of the Roma community in Slovenia. The rights of the Roma community are defined in greater detail in the Roma Community Act (OGRS, No. 33/2007). This legal arrangement is based on historically-acquired rights that are guaranteed on the basis of the autochthonous settlement of these communities, in line with the territorial principle, regardless of the size of the community. Members of these communities can exercise these rights individually and together with other members of the group.

The Statement of Good Intent (Government of the Republic of Slovenia, 2001), in which Slovenia committed itself to respecting the rights of all minorities in the new independent country immediately after independence states that:

the Slovenian state shall guarantee to the Italian and Hungarian national minorities within the independent Republic of Slovenia all the rights defined by the constitution, laws and international acts adopted and recognized by the Socialist Federative Republic of Yugoslavia. It also guarantees people belonging to other nations and nationalities the right to multilateral cultural and linguistic development, and the right to acquire Slovenian citizenship to all those with permanent residence in Slovenia, if they so desire (http://www.slovenija2001.gov.si/10years/path/documents/good-intent/).

Following independence, Slovenia did very little for the “other nations and nationalities”, which referred to other former Yugoslavs, despite the promises being very unambitious to start with. For example, in relation to the cultural and religious development of the Muslim community (primarily Bosnians) in the capital, Ljubljana, talks with the city council about the construction of a mosque have now been ongoing for many years. The problem is not only the City of Ljubljana, but also a majority of the population, who ‘fear’ that a mosque is not only a place of worship, but also a meeting place for Muslims, who are perceived very negatively by association with global terrorism.

The question of the justification for protection of only two national minorities in Slovenia has also been pointed out by the CERD committee (the UN Committee for the Elimination of Racial Discrimination). CERD proposed the introduction of a representative office for other minority groups within the National Assembly, as the legislative body. This proposal does not match the constitutional concept of protection for the autochthonous minorities in Slovenia, where the legal arrangements are based on a territorial principle and are conditioned on the creation of states in the 20th century and the drawing of borders according to the self-determination of nations. The theoretical legal basis for regulating minority protection is based on the fact that in the Slovenian-Italian and Slovenian-Hungarian border areas the national minorities did not have the possibility of self-determination (as occurred, for example, along the Slovenian-Austrian border), and as parts of a nation residing outside their ‘home’ country they have a set of special rights relating to the “existence and preservation of identity”. The limited legal regime is therefore based on historically-acquired rights, which were guaranteed on the basis of the
autochthonous settlement of these groups in line with the territorial principle, regardless of the size of the minority group. Nevertheless, it is essential that Slovenia should also recognize its own relations with the “new” minority communities, regulated with the Article 61 of the Constitution.\footnote{This article states: “Each person shall be entitled freely to identify with his national grouping or autochthonous ethnic community, to foster and give expression to his culture and to use his own language and script”.} However, this legal rule is considerably less binding on the state and offers fewer rights to other minorities than those enjoyed by the Italian and Hungarian minorities and the Roma community. Despite the Constitution’s territorial principle, the state must also respect the general principle of international law in relation to respect for and the exercise of minority group rights without discrimination, in terms of fostering language, identity and culture, as well as political participation in the legislature.

The immigrants from other parts of former Yugoslavia as the “New” minorities

The dissolution of the Socialist Federal Republic of Yugoslavia and the consequent independence for the former Yugoslav republics, the first of which to break away was Slovenia, brought not only legal changes, but also numerous political, economic and social changes. Yugoslavia was an ethnically mixed country. It was made up of six republics in which members of the designated federal unit comprised the majority, for example, Slovenes in Slovenia, but the element of ‘mixing’ with the other Yugoslav nationalities was strongly emphasised. This system of mixing was deliberately designed to prevent independence ideas gaining ground among the individual national groups. The concept worked under a totalitarian regime, but the collapse of the Communist systems across Eastern Europe awakened latent nationalist aspirations. It is no wonder then that when they established their own single-nation state the Slovenes awakened their own nationalism. And this was a nationalism on two levels: not only as the positive element which nurtures the survival and growth of any nation, but also as a negative, destructive and discriminatory element whose excessive emphasis on distinguishing between ‘them’ and ‘us’ leads to hatred and violence. Even the practice of referring in derogatory tones to anyone who was not Slovene by various names denoting their “southern” origin – jugovici/jugovići, Južnjak, Jugosi, or simply calling them all Bosnians – clearly reflected the stigmatising of people from other parts of the former Yugoslavia. A further stigma was the use of the letter č, which is not in the Slovenian alphabet\cite{Klopčić et al., 2003}. Even in Communist Yugoslavia the stigmatising of anyone who was not Slovene had already been a feature, but the Communist authorities were able to control and suppress Slovene nationalism. For a more academic and less stark definition, the term ‘non-Slovenes’ was introduced to describe anyone coming from other parts of Yugoslavia. But ‘non-Slovenes’ did not include Germans, Austrians, Italians, Hungarians or British people living in Slovenia, only people from other parts of the former Yugoslavia.

New minorities?

It would probably be rational to consider the introduction of at least equal legal protection for the mentioned ex-Yugoslavians (Albanians, Bosnians, Montenegrians, Croats, Macedonians and Serbs) as the “new” national minorities that are found predominately in border areas.

Slovenia’s failure to resolve the legal and political status of the national minorities from the former Yugoslavia has been criticized by a body of the Council of Europe, the European Commission against Racism and Intolerance (ECRI). Like the UN, the Council of Europe found that Slovenia has promised much regarding the resolution of this matter, but that the results have been meagre. The 2002 ECRI report states that Slovenia has adopted numerous measures, including measures to protect national minorities and making it easier to acquire citizenship, but added reservations about the speed and effectiveness of the implementation of the legislation adopted. Despite the fact that almost a decade has passed since that report, matters have not improved and the status of the national minorities remains unresolved to this day. My statement might be greeted by a public expression of surprise from Slovenian lawyers, given common claims that ‘this is all already included in the Constitution’. Many might also claim that it is difficult to amend the Constitution and that there is no need to introduce new minority rights, as there are already problems with existing arrangements. It is very clear that there now exists a fear that Serbs, Croats, Macedonians, Bosnians, Albanians and Montenegroins, living in Slovenia might acquire too much independence and ‘too many’ rights.

Since independence, there has been a clear need in Slovenia to regulate the status of permanent migrants, such as the new minorities. Public opinion surveys in Slovenia just before and after independence indicate that clear differences already existed in terms of recognizing the rights of the autochthonous and immigrant (new) minorities. Survey respondents were very restrictive with regard to the rights the new minorities should be permitted\cite{Klopčić et al., 2003}. It must be acknowledged that the difficult circumstances surrounding the creation of the new Slovenian state significantly contributed to these attitudes. The gap between the rights the state guaranteed to the autochthonous minorities (Italians and Hungarians) and the rights of the new minorities (Serbs, Croats, Macedonians, Bosnians, Albanians and Montenegroins) is largest in the case of the opportunity to found their own political parties, to have their own deputies in the parliament and at the local community level, to have special national communities in the areas in which they live, to create independent schools, to have the right to use their own national symbols, and even the free use of their own language.
Since 2008 members of a civil society council for the Serbian diaspora in Slovenia have been demanding recognition of their minority status, which would allow them to ask for opportunities for education in Serbian and the right to political organization. According to the national statistics office, at present the Serbian national community numbers around 38,800 which is approximately 2% of the total population of Slovenia. Given that Italians living in Slovenia (according to the criterion of national identification) have recognized minority status, despite numbering only 2,258, or 0.11% of the population, the failure to recognize Serbs as a minority is not only legally unacceptable in terms of European legislation, but is also extremely unfair. The European standards for the protection of minorities are set out in the Act Ratifying the Framework Convention for the Protection of National Minorities, which was adopted in 1995 and entered into force in 1998 (Council of Europe, 1995).

The Framework Convention was the first universal international instrument to comprehensively address the protection of national minorities and in 2008 it was also ratified by Slovenia. The Framework Convention includes principles that states must implement in domestic legislation to guarantee the protection of minorities, bringing together various approaches while setting a minimum level of minority rights. A problem with the Framework Convention is that it does include a definition of a national minority, so many countries, including Slovenia, issued a declaration on its ratification in which they defined the communities to which the Convention would apply. The Framework Convention does not therefore apply to the protection of all national minorities, but only to those defined as the subject of protection in domestic legislation. For example, for the purpose of the Framework Convention, Slovenia only defined the already mentioned protection for the Italian, Hungarian and Roma communities. Recognizing the status of national minority is therefore linked to the arbitrary definition of minorities in individual countries.

International standards for minority protection are incorporated into universal international instruments as the minimum consensus of parties to these treaties, yet countries still find a way to apply various interpretations of the term ‘minority’. In 1993 the Council of Europe prepared Recommendation no 1201 (1993) to address the issue of defining national minorities, which states that the expression ‘national minority’ refers to a group of persons in a state who: reside on the territory of that state and are citizens of it; maintain long-standing, firm and lasting ties with that state; display distinctive ethnic, cultural religious or linguistic characteristics; are sufficiently representative, although smaller in number than the rest of the population of that state or a region of that state; and are motivated by concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language. The minorities residing in Slovenia meet all these criteria, so it is senseless that 20 years after independence the parliament rejected a declaration on new minorities. Right-wing parties categorically rejected the ruling coalition’s proposed institutional solution to the exercise of collective rights for people in Slovenia from the national communities of the former Yugoslavia, and the treatment of these minorities will probably not change with the probable early general election in which the opposition right-wing parties are expected to return to power, according to all opinion polls to date.

From the existing Slovenian model of minority protection, one can conclude that the key to recognition of the autochthonous national minorities is long-lasting, permanent and recognized settlement in a specific territory. Slovenia would therefore have to define a historical area of settlement in order to recognize any new autochthonous national minorities, which is not anticipated at present.

Citizenship policy (extraordinary naturalization)

The problem Slovenia had when it established its own state in 1991 was a lack of historical experience with statehood, which could have helped it in setting up the new state. In this respect Slovenia differed from certain other East European countries, such as Lithuania, Latvia and Estonia, which underwent similar independence processes in the early 1990s. These countries either ‘revived’ their citizenship laws from the pre-Soviet era, thus establishing their statehood on the principle of continuation of citizenship from before the occupation – this was the case for Estonia and Latvia, while others opted for a zero-option policy, granting citizenship to everyone who was actually living in their territory on certain date, such as the date of independence or the date on which the law on citizenship came into force, as was the case, for example, in Lithuania and Kosovo. From historical experience it would appear that this policy was more acceptable in those countries where the proportion of the state-forming nation which was establishing its own nation state was very high, or in countries where the population was made up of several equally large ethnic groups, such as in Bosnia and Herzegovina (Medved, 2007: 216–217). But in those new countries where the size of the state-forming nation was relatively small compared to the population as a whole, or where that nation shared the state with other ethnic groups making up a large proportion of the population, the state-forming nation felt more threatened. But that fear or sense of threat cannot be an excuse for the exclusionist policy which followed independence in Slovenia.

Citizenship policies were laid down in the Citizenship of the Republic of Slovenia Act (OGRS, No 1/1991). In accordance with the transitional provisions, and specifically Article 39, of that Act, on the date it came into force a ‘citizen of the Republic of Slovenia’ was deemed to be anyone who under the previous regulations held citizenship of the Socialist Republic of Slovenia and the Socialist Federal Republic of Yugoslavia, irrespective of whether or not their citizenship of the republic was entered in the citizenship records. What this meant was that, in accordance with the continuity principle, all citizens of the Socialist Republic of Slovenia automatically acquired citizenship of the new country and did not need to submit an application to obtain it. For people who had not been entered in the citizenship records the administrative authorities responsible for internal affairs had to carry out a procedure to establish their citizenship. In that procedure they had to use all the previous regulations governing citizenship which could influence whether or not they acquired citizenship. Following the principle of continuity from the time when it was part of the Socialist Federal Republic of Yugoslavia – and before that the Federal People’s
Republic of Yugoslavia – Slovenia took over all the regulations in the area of citizenship, which thus became part of Slovenian positive law. At the moment the SFRY broke apart, federal Yugoslav citizenship (of the SFRY) ceased to exist, but citizenship at republic level was unaffected. In the newly emerged countries, republic citizenship consequently became state citizenship – in Slovenia’s case citizenship of the Republic of Slovenia.

So citizens of the other republics who had permanent residence in Slovenia did not automatically acquire citizenship on the principle of ius domicilii, but had to apply for it. Slovenia regulated the method of acquiring citizenship for citizens of other republics of the SFRY unilaterally, that is, no international agreement was signed. Citizens of other republics of the SFRY were able to acquire citizenship under more favourable conditions than generally apply to naturalisation. These conditions were laid down in Article 40 of the Citizenship of the Republic of Slovenia Act, under which citizens of other republics who were registered as permanent residents of the Republic of Slovenia and actually lived in Slovenia on the date of the plebiscite on independence (23 December 1990) were able to acquire citizenship on condition that their application for citizenship was submitted, within six months of the date on which the law came into force, to the administrative body responsible for internal affairs in the municipality in which they had permanent residence. Article 40(2) laid down the method of acquiring citizenship for children of citizens of other republics of the SFRY in the same way as for acquiring citizenship by naturalisation.

Apart from permanent residence status and actual residence in Slovenia, the Slovenian authorities did not lay down any other conditions, such as knowledge of the Slovene language, proof of sufficient funds to live on or renunciation of any other citizenship.

Nevertheless, these conditions were more favourable than those applying to regular acquisition of citizenship by naturalisation, which require renunciation of previous citizenship, 10 years of actual residence in Slovenia, of which the last five years prior to the application must be uninterrupted, a guaranteed place to live and a livelihood, knowledge of the Slovene language, confirmation of no criminal record for offences attracting a penalty of at least one year’s imprisonment for which the offender is prosecuted ex officio if the act is a criminal offence both under the laws of the applicant’s own country as well as under Slovenian law, that the applicant has not been expelled from the Republic of Slovenia and that granting citizenship to the applicant would not represent a threat to public order, security or national defence. Acquisition of citizenship was then made possible with the introduction of ‘one-off extraordinary naturalisation’ under the transitional provisions of the Citizenship of the Republic of Slovenia Act.

Despite the fact that the legal conditions for extraordinary naturalisation sounded relatively simple and easy to achieve, in practice for many people the situation was quite complicated. People who registered as permanent residents in the Republic of Slovenia later, that is, after 23 December 1990, as well as citizens of other republics who had only registered as temporary residents in the Republic of Slovenia, or not even that, even though they were actually living in Slovenia, were not entitled to acquire citizenship. In some cases the authorities actually made a mistake and granted citizenship to people who were only registered as temporary residents in Slovenia, and they only discovered their ‘mistake’ after the decision had been issued. This was the reason for some procedures being repeated, with the possibility of citizenship being withdrawn.

Drawing a distinction between registration of permanent residence and temporary residence, or living in Slovenia without registering, and making entitlement to citizenship conditional on registration of permanent residence, was quite unfair. There were various reasons why citizens of other republics living in Slovenia did not declare their permanent residence. Often they did not know it was possible, or they had simply not thought about it. It is worth noting that the Slovenian republic had been the only one of the Yugoslav republics to register people settling there from, or moving away to, other republics. None of the other republics or provinces kept such records, which partly explains why some people had no interest in and/or were unaware of the possibility of registering (Medved, 2007: 239).

Furthermore, at that time many manual labourers lived in workers’ accommodations where they were unable to register as permanent residents, in sublets where the owners did not allow them to register their permanent residence, or in illegal buildings built without planning permission, and so they were unable to register their residency, even though they had lived in Slovenia for a long time. What made this legal requirement of permanent residence even more absurd was that a citizen of another republic who moved to Slovenia and registered as a permanent resident on the day before the plebiscite would have fulfilled the requirements for acquiring citizenship. In that sense the Citizenship of the Republic of Slovenia Act was discriminatory as it was based on formal status in law rather than seeking to identify an ‘actual connection with Slovenia’. As well as registered permanent residence, an additional condition was that applicants were ‘actually living’ in Slovenia, which supposedly demonstrated their genuine connection with the country. That condition was deemed to be met if the applicant was actually living in Slovenia between 23 December 1990 (the date of the plebiscite) and the date of the final decision on citizenship. It was not sufficient therefore merely to have residence formally registered in Slovenia. On the question of fulfilment of the requirement to actually be living in Slovenia, the Supreme Court took the toughest line when dealing with citizens of other republics who had been members of the Yugoslav People’s Army. Whereas for other applicants the rule became established that in the case of an interruption in their residence in Slovenia an assessment had to be made of the duration of that absence and the reasons for it, and whether the absence was by choice, for citizenship applicants who had left

2 On the issue of people with temporary residence, the Supreme Court of the Republic of Slovenia took the position that for acquisition of citizenship under Article 40(1) of the Citizenship Act it was ‘... legally irrelevant why an applicant did not have permanent residence registered in Slovenia on the day of the plebiscite’ (Judgement U-I-296/1992).
Slovenia with the Yugoslav Army, the Supreme Court automatically considered their departure to be a break in their actual residence in Slovenia (Judgements U-I-241/92 and U-I-753/92).

Citizens of other republics of the SFRY who lived in Slovenia but who for various reasons, in accordance with the transitional provisions of the Citizenship of the Republic of Slovenia Act, did not obtain Slovenian citizenship, found themselves in an unenviable position. Since they did not become Slovenian citizens they were deemed to be foreigners, but it was not clearly defined what foreigner status they should have. Among its transitional and final provisions, the Aliens Act, in Article 81(2), stipulated that for anyone who did not apply for Slovenian citizenship within six months, or whose application for citizenship was rejected, the law’s provisions would begin to apply two months after the end of the six-month period for lodging an application for Slovenian citizenship, or two months from the date of issue of a final decision rejecting their application. The period for lodging an application for Slovenian citizenship began on 25 December 1991, so for all those who did not lodge an application the Aliens Act began to apply on 26 February 1992. But for that two-month period, from 26 December 1991 to 26 February 1992, the legal status of these people was regulated neither by the Citizenship of the Republic of Slovenia Act nor by the Aliens Act. An important provision during this period was that laid down in Article 13 of the Constitution, under which citizens of other republics of the SFRY with permanent residence in Slovenia were deemed to be equal to citizens of the Republic of Slovenia in terms of rights and obligations, except for the entitlement to acquire rights in rem in immovable property. Their status during this period was the same as that which they had had prior to independence.

The second paragraph of Article 81 of the Aliens Act was imprecise and unclear, and allowed for various arbitrary interpretations. Even today, 20 years later, it is not clear whether the wording of the Aliens Act, and the ‘erasure’ which followed, was an error born of inexperience, or whether it was a deliberate move which the authorities at the time were aware of and intended. Certainly there was a lack of experience and it is plausible, given the situation at the time, with the country just having gained independence and a new state being formed, that people may have been unaware of the consequences, but in view of statements made by certain state officials in the years following the ‘erasure’ it is hard to justify it on the grounds of ignorance or accident. It is more likely that it was done deliberately, which would be in line with the Slovenian character, their sense of themselves as historical victims, which Slovenia emphasised, particularly after independence. As its ‘imaginary enemy’ it chose the Balkans, and what it considered to be the less civilised peoples of the former common state, which it saw as having exploited and subjugated Slovenia, the most pro-Western and most northerly-lying of the Yugoslav republics. The Slovenes saw themselves as having been humiliated and offended. This was based partly on the much-emphasised fact that Slovenia was the wealthiest of all the federal entities in the SFRY but the wealth they produced was unfairly taken from Slovenia by the authorities in Belgrade and used to support the less developed – and, as far as the Slovenes were concerned, less hard-working – Yugoslav nations and nationalities. The chance to decide who would obtain citizenship was probably seen as an opportune moment for Slovenian nationalist revanchism.

The ‘erased’

Above described situation led to the emergence of a new category of residents of Slovenia, the so-called ‘erased’, people whose names had been removed from the register of residents without them even being officially notified. Most of the ‘erased’ did not know that they had suddenly become foreigners. They only discovered what had happened when, for example, they tried to renew their personal documents, such as ID cards, passports or driving licences.

The origins of the ‘Erased’ go back to the emergence of Slovenia as an independent state immediately following its break-away from the Socialist Federal Republic of Yugoslavia. Their removal from the population register by the Slovenian administrative authorities had no basis in law. Despite lengthy and complicated judicial proceedings in which the ‘erased’ sought to have their status fairly regulated, neither the lower-level courts nor the Supreme Court of the Republic of Slovenia found in their favour. The only avenue left open to them was to seek protection from the Constitutional Court, which proved to be a successful instrument for protecting their rights. The Constitutional Court issued two basic judgments (U-I-284/94 and U-I-246/02), in which it sought to put right the injustice which the existing legislation and its interpretation by the administrative authorities had done to the ‘erased’. In the first case the Constitutional Court ruled that:

- the Aliens Act is inconsistent with the Constitution as it does not define the conditions for acquiring a permanent residence permit for persons referred to in Article 81(2) after the expiry of the term within which they could have applied for citizenship of the Republic of Slovenia if they failed to do so, or after the date when the decision rejecting their application for citizenship of the Republic of Slovenia became final (Judgment on the unconstitutionality of the Aliens Act in OGRS, No. 14/1999, p. 1323).

As a consequence of the judgments, parliament adopted a Law Regulating the Status of Citizens of Other Successor Countries to the Former SFRY in the Republic of Slovenia (ZUSDDD) (OGRS 61/1999a,b). In just the first phase (the three-month period was annulled by judgment U-I-246/02 for being too short), some 12,937 applications for permanent residence were lodged on the basis of this law, of which 11,746 were approved. It is not known, however, how many of these permanent resident permits were issued to the ‘erased’, as this number also includes other residents. The ZUSDDD was submitted to the Constitutional Court for an assessment of its constitutionality, and in its second important decision in this case it ruled (U-I-246/02) that it was unconstitutional. The implementation of this judgment was not, however, as problem-free as the earlier judgment had been. Most of the problems and reservations concerned the part of the operative provisions of the judgment in which the court determined which body would be responsible for implementing its judgment and by what
method, with the Ministry of Internal Affairs being given the task of issuing special declaratory (supplementary) decisions whose purpose was to grant the right to permanent residence with retroactive effect. The judgment was not implemented until 2010 with the adoption of an amending act to the Law Regulating the Status of Citizens of Other Successor Countries to the Former SFY in the Republic of Slovenia (ZUSDDD–B) and completion of the issuing of special declaratory decisions granting status to the ‘erased’ with retroactive effect (OGRS, No. 50/2010).

The measure affected people who were mostly born in other republics of the former Yugoslavia, had Yugoslav citizenship and at the same time citizenship of one other republic (the federation comprised the six republics of Bosnia and Herzegovina, Croatia, Montenegro, Macedonia, Serbia and Slovenia, and the two autonomous provinces of Kosovo and Vojvodina), but lived in the then Socialist Republic of Slovenia, where they were registered as permanent residents. In accordance with Article 40 of the Citizenship of the Republic of Slovenia Act, all citizens of other republics of the SFY with permanent residence in the Slovenian republic had the right to apply for Slovenian citizenship within six months. Those who were not granted citizenship also lost their permanent residence status. There were various reasons for this. Some people, for one reason or another, did not submit an application, others had their applications refused or rejected, and in some cases the procedure was stopped. The local authorities then withdrew the right of permanent residence from these people on an entirely arbitrary basis, acting on internal instructions from the Ministry of Internal Affairs. With their status withdrawn, these individuals also lost most of the economic and social entitlements that were linked to their permanent residence status. At the time these events were taking place the population of Slovenia, unlike that of some of the other former republics of the SFY, was relatively homogeneous — approximately 90% of the population of two million had Slovenian citizenship. But around 200,000 inhabitants of Slovenia (10% of the population) were citizens of other former Yugoslav republics.

The ‘Erased’ are the result of a long-standing internal hostility on the part of the majority national groups towards minorities, who have found themselves as a result of an unexpected political reality in the position of being an ally or enemy of political changes. For the majority who take over power it is of little concern who is guilty and who is innocent; the only thing that matters for the majority community is branding those who are different as the enemy. And this system of personifying minorities as the enemy fits perfectly with the functioning of a tribal (in this case Slovenian) community.

**Kurić and others v. Slovenia (ECHR decision)**

Although the injustice done to them with Slovenia’s independence legislation had been formally recognised in law, the ‘erased’ were granted no reparation for the violation of their economic, social and cultural rights, nor given an official apology that could at least in some way make up for their xenophobic treatment by the majority national group (Amnesty International Report, 2011: 289).

The ECHR decision in case Kurić and Others v. Slovenia, in which the court ruled in favour of the ‘erased’ on 13 July 2010, four years after they had lodged an appeal, probably contributed to this (Application no. 26828/06). The court found a violation of Article 8 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, which protects the right of private and family life, and a violation of Article 13 of the Convention, which protest the right to effective legal remedy. The court did not examine the origins of the ‘erasure’, only its consequences. It found that the Slovenian Constitutional Court had already ruled that the ‘erasure’ was unlawful and that its 2003 judgment already instructed parliament to grant the ‘erased’ the legal status of permanent residents from the date of the ‘erasure’ onwards. The respondent state, Slovenia, had violated the complainants’ right to protection of privacy and family life by delaying the regulation of their status and issuing residence permits to them in line with the Constitutional Court judgment. The court also examined whether there were legal grounds for the erasure, and found that there were not. It based this decision on the Constitutional Court judgment.

In addition to a violation of Article 8, the court also found a violation of Article 13 of the Convention (Right to an effective remedy). By not implementing the Constitutional Court judgment, Slovenia denied the complainants legal remedy in violation of Article 13. The court instructed Slovenia: “through appropriate general and individual measures, secure to the applicants the right to a private and/or family life and effective remedies in this respect.” However, the ECHR did not rule on the complainants’ claims for compensation resulting from the violations of the Convention, which for Slovenia is a further reason to avoid the issue of compensation for the ‘erased’.

However, the case of the ‘erased’ at the ECHR is not closed. It has now been lodged before the Grand Chamber, which will decide the matter in the coming months. The issue of paying of damages for the material and non-material damage suffered by the applicants as a result of the violations remains unresolved. In its judgment the ECHR called on the respondent state to provide appropriate monetary compensation to the injured parties by means of a comprehensive solution to the problem of the ‘erased’, but in Slovenia there has been no reaction to this call. The authorities have clearly decided to first wait for the decision of the Grand Chamber, and only then might they take the action imposed on them. In any event, despite the fact that the violation of the rights of the ‘erased’ has been proven beyond question, the authorities are dragging their feet over the introduction of a comprehensive solution.

What is of particular concern is the fact that, to this day, the state has not made good the errors it committed, nor done what it was instructed to do in the Constitutional Court and ECHR judgments. This is not just about the legal problem of the ‘erased’; above all, it is about a culture of intolerance that has successfully taken hold in Slovenia under the guise of various excuses. One of these excuses is an alleged hostility on the part of the ‘erased’ towards Slovenian independence. In that sense the ‘erasure’ could be seen as a perfectly appropriate punishment for enemies of the new state, a collective political sanction.
against all those who were not sympathetic to Slovenian independence. But not only is it not true that their attitude towards Slovenian independence was one of hostility, such collective punishment is unlawful.

**Jews in Slovenia**

The territory of present-day Slovenia was a particularly unwelcoming place for Jews in the last century. In 1910 it was home to just 146 Jews (most had opted to move to present-day Croatia, mainly to Zagreb, the capital), and today there are fewer than 100. The synagogue in Lendava was burnt down at the start of the WWII, and Slovenian Jews were deported to concentration camps.

During the communism, in 1953, the synagogue of Murska Sobota, the only remaining after the WWII, was demolished by the local Communist authorities. Many Jews were expelled from Yugoslavia as “ethnic Germans”, and most of Jewish property was confiscated. In the communist era the Jewish Community of Ljubljana (the capital of Slovenia) was officially reformed, but practically disappeared.

In the last ten years the small Jewish Community of Slovenia (JCS) have launched a campaign for the government to provide restitution for Jewish property which was confiscated by Nazi forces during the Second World War and later expropriated and nationalized by the Communist regime. The communist authorities in Yugoslavia (Slovenia) evicted and dispossessed surviving Jews - in some cases even posthumously - on the grounds that they are Germans and collaborated with the Nazis (sic!). Jewish communal property was confiscated and private property for the most part stayed heirless (Block, 2009). In July 1998, under pressure to solve the property problematic cases, the Slovenian parliament amended the 1991 denationalization law. However, some of these amendments appeared designed to protect vested interests and the restitution process remains stalled. There are still no laws providing for the restitution of Jewish communal property in several East and Central European states, including Slovenia. Despite numerous public promises by several prime ministers, and much international pressure, no legislation has even been sent to its parliament for consideration. Slovenia is also one of the ten EU countries that pose obstacles for restitution-seekers. Private property is returned only to current citizens, and only if it was confiscated in 1945 or after (Spritzer, 2009).

In modern times, Jews in Slovenia are marked with their physical non-presence. Despite this fact, it is the starting position in this project that there exists in contemporary Slovenia a form of the so-called “anti-Semitism without Jews”.

After the war a large number of the Jews who had survived the occupation were dispossessed; some were declared to be Germans because of their German-sounding surnames and some emigrated to Israel. Those who remained mostly kept their Jewish identity private. The Slovenian capital Ljubljana is today the only European capital city not to have a synagogue. Complete ignorance and attempts to divert attention away from the Jewish Holocaust and towards current issues and Slovenian history are typical of Slovenia (Persin, 2011). The worrying thing is that most people agree with this policy and the authorities’ stance on the issue. Despite the very small number of people in society who declare themselves to be Jewish, there is still to this day a negative, hostile attitude towards Jews, which even the prime minister has acknowledged (STA, 2010). The disappearance of an entire ethnic community from Slovenian territory is still not talked about in schools.

There is no discussion in Slovenia, for example, of the Jews who during and after the WWII were forced out, deported or at least ostracized or ignored to the extent that they chose to leave. Given the very small number of Jews within the Slovenian population, there is a disproportionately high number of jokes in circulation about Jews and their supposed greed.

**Roma minority**

**EU standards and de facto situation**

Numbering ten to twenty million, the Roma community is Europe’s largest minority group. Their existence has been marked by exclusion and poverty and frequently also by policies of deliberate and systematic marginalization and discrimination in many areas of life, including housing, employment social rights and education. The second-class status of the Roma is also seen in the fact that their average age is 25 years, and that only 42% complete elementary school, while the average age for Europeans in general is 40 years and almost all (97%) complete elementary school education.

The EU has attempted to improve the status of Roma in Europe. There are two important directives on the protection of Roma rights within the EU, which were intended to contribute to ensuring their equality: the Racial Equality Directive (Council Directive 2000/43/EC) and the Employment Framework Directive (Council Directive 2000/78/EC), which lay down a set of principles that guarantee a minimum level of legal protection against discrimination for the entire EU population. The EU has jurisdiction over the prevention of discrimination (equal treatment regardless of race or ethnic identity) and monitors the transposition of EU legislation into member states’ domestic legislation. The European Commission’s task is to monitor the implementation of national integration strategies for the Roma (primarily via the EU Agency for Fundamental Rights – FRA), and reports on results to the European Parliament each year. However, the most important element of the integration and non-discriminatory treatment of Roma is the domestic policy of the member states, such as, education, employment, social inclusion; and the actual implementation of legally adopted measures. In this field the EU can only harmonize national policy and support its implementation, primarily through the use of structural funds. However, with just 100 million euros dedicated to projects to improve Roma people’s living conditions, the Commission’s hands are somewhat tied when it comes to effective action.
Roma in Slovenia

The status of the Roma in Slovenia garners less media attention than in France, Italy, the Czech Republic or elsewhere in Europe, since Slovenia does not count among the continent’s ‘big players’. This does not mean that its violations are negligible, however, since the Council of Europe’s Human Rights Commissioner, Thomas Hammarberg, has made a number of comments regarding ‘erased’ Roma citizens. Despite international pressure, Slovenia has yet to rectify its failings. In addition to the rights of the “Erased,” the basic issue of residency for Roma has been problematic, as in November 2006 pressure from residents of the village of Ambrus (a village in the Dolenjska region) led to an entire Roma family being relocated to another part of Slovenia (Postojna). The relocation was the only solution at the time to offer at least a temporary resolution to a dispute among residents that reached a critical point when several hundred inhabitants of Ambrus demanded the removal of the Roma people, who out of fear returned home after several days of hiding out in the local forest. Physical attacks were only prevented by the intervention of police units who also protected the Roma on their transportation to an asylum centre in Postojna. The affair continued as the relocated Roma soon wanted to return home, while the local residents closed off roads, putting barricades in place and organizing night-time guards. This attitude to the Roma community is typical of much of the Slovenian population who to this day refer to the Roma with the stigmatized term Cigan (pejorative, cf. Ger. Tzigan), and the idea that not only do they not have a true home, but also that they steal, lie and generally represent all that is base in humanity. Attitudes to the Roma are more positive in towns than in smaller settlements and villages where such stereotypes predominate.

This year, Slovenia featured once more in the Amnesty International annual report on the global state of human rights, due to violations of the rights of the “Erased” (including the Roma), and discrimination against the Roma community. In Slovenia the Roma have the legal status of an autochthonous ethnic group. The Roma community in Slovenia does not have the status of a national minority, but that of an ethnic group or minority with specific ethnic characteristics such as their own language, culture and other such features. The rights of the Roma community are enshrined in Article 65 of the Slovenian Constitution, which very conservatively states that the status and specific rights will be defined by a law on the Roma community. The rights of the Roma to “freely identify with their national grouping or autochthonous ethnic community, to foster and give expression to their culture and to use their own language and script” arise from the constitutional rights set out in Article 61. In addition to the constitutional and legal guarantees, which the protection of the Roma’s rights in Slovenia addresses in terms of autochthony or non-autochthony, there are also a number of other rights. This distinction of autochthony has become one of the bases for recognizing special minority rights in states in which two different strands meet –that is, global and national state-related definitions.

Despite the Constitution, the implementation of the specific status and special rights of the Roma community is frequently related to judicial, and constitutional court, proceedings. The Constitutional Court of the Republic of Slovenia last year decided on the right of the Roma to at least one representative on municipal councils in areas in which there is an autochthonous Roma community. Roma demands for the right to a representative on the municipal council on the basis of the law on local self-government were rejected, as it states that this right may only be exercised by members of the Roma community who are Slovenian citizens and have permanent residence in the municipality in question in order to vote in the local elections. The Constitutional Court did not demonstrate any flexibility in relation to the specific nature of the Roma community, despite the fact of their constitutionally-guaranteed special status. Citizenship and permanent residence as conditions for participation in local elections can only ever include a minority of the Roma population. In the Constitutional Court’s opinion, the linking of the political representation of the Roma community on municipal councils to the established (and historical) settlement of the community in a specific area is a reasoned argument for treating the community differently. Though it is recognized that attempts to assimilate the Roma have been an ongoing feature of European culture as long as they have been present, history indicates that most efforts have been unsuccessful, and that the state is maintaining an outdated, non-globalized concept of historical settlement. Persisting with the concepts of assimilation and autochthony therefore constitute a denial of some of the Roma’s rights, and reflects the inflexibility and anti-multicultural nature of some countries in this field. At the same time rigid legal rules suit both government and state in the implementation of covert nationalist exclusion policies. Slovenia’s exclusion policy is primarily based on the relation between the Roma population and the remainder of the social community.

The doors of elementary schools or of classrooms with other children are closed to Roma children in many European countries, including in Slovenia. The reasons are racial discrimination and poverty. Until 2004 it was legally permitted in Slovenia to organize separate classes for Roma children, which were stopped in that year, with Roma children integrated into general classes. The Government stated that ending these separate classes had created problems, since Roma children generally did not know Slovene, and therefore education in Slovene-language classes was an issue. This means that in the new system the children are placed in special groups within classes and offered additional individual supplementary lessons, which in some schools are even provided by a Roma assistant and Roma coordinator (acting as assistant to the teacher and the Roma pupil).

It is of interest that exclusion on the basis of lack of language knowledge, as in the case of Roma children, is not found in the case of the children of foreign citizens, who are generally included directly into general classes, where children are assimilated and gradually taught the majority language at the same time. This form of assimilation with language tuition is much rarer for Roma children in European countries. In Slovenia, forms of discriminatory education for Roma appear wherever there are Roma settlements and Roma children.
The idea of assimilation with gradual language learning in mixed classes is unacceptable for the majority of parents of Slovenian pupils, as they do not want their children to mix with Roma. The complexity of the problem in Slovenia is indicated by data from one elementary school, where the issue of the Roma presence is most acute, since 14 out of 25 Roma first-year pupils failed to progress to the second year in 2009. It is difficult to believe that all these children fail to match the intellectual capacities of the other children, who do not face the same problems. It is more probable that these children are not given enough attention and that they are not offered sufficient additional assistance in a manner that would be acceptable and motivating for them. This problem here lies in the fact that the general lifestyle of the majority is different from that of the minority Roma community. Dialogue between the two communities is therefore almost impossible, since the communities do not attempt to understand each other and thus often arrive to conflict situation not so much because a real conflict exists but rather because of misunderstandings. Roma children therefore require the education system, which though is designed to meet the needs of the majority, at the same time displays some flexibility and adaptability and respects specific features of Roma life and culture; which in addition to adapting and assimilating also permits the preservation of these specific features.

The inclusion of Roma children will remain an illusion, if the actual manner in which schools deal with these children does not change. The cycle of marginalization and poverty in which the Roma today exist begins with young people, since exclusion and inequality in acquiring an education is the key to the subsequent life of the Roma. The role of the state in this matter is essential, since it is responsible for providing its population with a basic education via the public elementary school system. However, in this context one all too frequently hears the accusations of non-Roma people or even authorities claiming that the major problem in the provision of education to Roma is that the Roma do not send their children to school or that the children fail to attend. The Roma side of the story is simply not investigated. So who is to blame for the Roma’s lack of interest in elementary school education? Is it their nomadic tradition, which the state frequently puts forward as the problem without reservation, or does the problem lie in the school system that the state is offering to children?

When assessing the status of the Roma in Slovenia, the picture is considerably distorted if one only takes into account measurable indicators, such as adopted legislation, funds allocated to Roma-related issues, and media-supported promises by the Government and local communities to quickly improve the living conditions of the Roma. The actual attitude within the country is only seen if one takes into account the non-measurable, emotive attitudes to Slovenian Roma that are held by a majority of non-Roma citizens. These are largely the result of entrenched views or prejudices about the Roma. Prejudices are passed from generation to generation as a cultural tradition, and are strengthened further in times of economic crisis and growing unemployment. Compared to the anti-Roma outbreaks in Hungary, where members of the far-right Jobbik party and its para-military wing Magyar Garda are increasingly vocal and violent to the Roma, the Slovenian response has been relatively mild, but in a period of growing unemployment and social precariousness, it is becoming increasingly hateful and, in the case of the Roma from Dolenjska mentioned above, also aggressive.

The Amnesty International report (March 16, 2010) on the violation of Roma rights in Slovenia states that some Roma communities in Slovenia do not enjoy even the most basic of civilized rights, the right to appropriate housing, water and sanitation. This is particularly notable when one considers that Slovenia is a highly developed country with a GDP per capita above the EU average.

Conclusion

At a time of economic crisis, the growth of nationalism is even greater, which has been reflected in the treatment of minority groups around Europe.

The test of a democracy lies in part in the status and the protection it offers to national minority groups, since that position does not only depend on efforts by the minority groups themselves, but also and especially the desire and level of democratic development of the majority national group.

If we look at Slovenia in detail, we find it is a closed, non-globalised society which, in spite of its constitutional declaration to protect the rights of minorities and other national communities, is seeking to retain a politically and culturally homogeneous nation state. One would be justified in a normally functioning society in expecting that the national groups of Yugoslav national community members resident in Slovenia would have a legally recognized status as a national minority, which would be linked to the acquisition of further rights relating to the preservation of their national identity. However, perhaps in part as a result of the deep economic crisis in Slovenia and the related crisis of the welfare state, a consequence of which has been unemployment and the critical day-to-day social struggle of a large part of society, one cannot expect the national parliament, as the legislature, to show much interest in passing the relevant legislation for people from former Yugoslav states. On the contrary, nationalism is on the rise and pressure on people to strengthen the single nation concept, the dominant culture, and political dominance and everything that speaks of Slovenia and the concept of ‘Slovenedom’ is currently in the ascendancy.

When the issue of minority protection is raised in Slovenia, the discussion focuses solely on Italians and Hungarians who already have a constitutionally guaranteed, and indeed well-protected minority status. Other minorities, such as ex-Yugoslavs, generally tend to be deliberately left out of public debates and media discussion. Serious economic crises and the degradation of human rights go hand in hand. Clear examples today of violations of minority rights are accepted with apathy, while left and center-left political parties, which according to their declared commitments to protect minority rights should react, remain in the background and generally do not identify with the problems. Democracy today clearly only privileges a few selected exclusive human rights, among which there seems to be no place for minority rights. Even if a state
constitutionally guarantees the protection of minority rights, the commitment is often only formal in nature. The issue is not only the disregard or circumvention of rights, but also the fact that most of society no longer even recognizes minority rights. The efforts of strongly nationalist societies to promote their own identity lead them to focus only on their own interests and maintaining a position of dominance. As a result, minority communities become targets of agitation by the dominant group and are blamed for social failures, both economic and political. Europe is not well-disposed towards minorities at present, yet the ruling political parties and those that will run at the next parliamentary elections also need to address these issues, if they do not want to lose minorities even to their own detriment, not least as a source of labor and demographic growth.

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References


