

Roma in Slovenia – a story of disaster

Abstract

Background: The Roma minority is one of the most marginalized communities within Europe. In Slovenia, the situation is similar, the most challenging being in illegal Roma settlements persisting from the times of ex-Yugoslavia and not addressed since.

Methods: An analysis, made upon the available information, combined with the cooperation of Roma communities in the field and legal proceedings of Amnesty International Slovenia from 2013–2020. The focus of the analysis is the law with a focus on human rights and considerations of healthcare issues.

Results: In 2020, the European Court of Human Rights delivered a negative decision in two Roma cases on the question of the right to water, the right to sanitation and other aspects of human rights. Strategic litigation was not successful, as well as a referral to the court's Grand Chamber. The Slovene political system with included minority protection is not effective at all. The healthcare system is aware of the situation of the poor health of Roma but is not proactive at all.

Conclusions: The results show that the Roma live parallel lives and that the Slovene state completely lacks the will to address this situation in some areas of Slovenia. The right to water with significant healthcare effects is a Slovene Constitutional right and is a recognized independent right under the UN system, but lacks implementation mechanisms. In practice, human rights do not reach the communities in the field.

1. Introduction

On 10 March 2020 the European Court of Human Rights (ECtHR) ruled to dismiss the complaints of two Roma families from Škocjan and Ribnica, who argued their human rights were violated by the

Republic of Slovenia.¹ A referral to the court's Grand Chamber, basically a complaint, was filed by our legal team in June 2020 and a decision to reopen the case was denied on 8 September 2020. The decision marks the end of a long strategic litigation effort, managed by Amnesty International Slovenia with the help of attorney Nina Zidar Klemenčič, to seek changes in the field through courts.

These two families were and still are living in illegal settlements – in illegal housing, one of the families relocated literally to the forest during the proceedings. They were and still are living without access to water, electricity, sanitation or other public services. The main point of the cases was linked to the European Convention on Human Rights provisions on private and family life, access to water, electricity, social state measures, health issues and prohibition of torture and other inhuman or degrading treatment, especially in municipal actions and the passiveness of social services. Complainants also claimed they were discriminated against.

The decision of ECtHR was a surprise to all involved in the process. It effectively stopped all efforts to change the situation in the field through legislative action. Even more, the decision locked Slovenia in the current state, usually described as despair. Now, players from the minority, official institutions and the civil society, simply cannot envisage any significant progress in any field.

I agreed to write this paper well before the ECtHR decision but after the decision was made I and Amnesty International professionally do not cover Roma issues anymore. This paper marks the end of our professional engagement on Roma minority issues.

2. General overview of Roma health and living conditions

Official records show that ten school years ago, 251 Roma pupils entered the 1st grade of Primary school.² In the last school year (2018/19), out of these 251 pupils, only 99 entered the 9th grade. The last

¹ European Court of Human Rights: Judgment in the cases Hudorovič and Novak (24816/14, 25140/14). <http://hudoc.echr.coe.int/eng?i=001-201646> (accessed 16.10.2020).

² Pedagoški inštitut: Nacionalna evalvacijska študija uspešnosti romskih učencev v osnovni šoli. Zaključno vsebinsko poročilo [National evaluation study of the performance of Roma students in primary school. Final content report]. Ljubljana 2011, p. 98.

information was included in the reply of the Ministry of education we received by email on 5 August 2019 in response to our questions on Roma success rates for the school year 2018/19. Similar conclusions can be found in the Report of the Commissioner for Human Rights³ following his visit to Slovenia in 2017. There is no information on how many actually completed Primary school. A nation-wide 60 % dropout rate for Roma pupils is disastrous, keeping in mind these figures also include relatively less-challenging areas of larger cities and Prekmurje. In Dolenjska, the situation is thus even more worrying with Novo mesto Bršljin school officially claiming less than 1 % Primary school completion rate.⁴ The state does not collect any disaggregated data on Roma education at all. Legally it is not compulsory to actually attend classes in Slovenia. It is enough to be just enrolled in the school. The school inspection monitors mechanisms to actually try to enforce attendance. Sometimes in the past Amnesty International challenged inspection decisions against Roma parents and succeeded. The information regarding special needs schooling are scarce, but comparing general population information with Institute of social work information show the level of Roma in special schools is 11.4 % of the Roma pupils, while for the majority this percentage is 6.55 %.⁵ Unofficially, the National Education Institute agrees the problem lies partly in the Slovenian-language-only tests. The state does not collect any disaggregated data – all the information on this issue was gathered in the field yearly by Amnesty International Slovenia, Mladina newspaper and some Roma councilmembers.

³ Report by Nils Muižnieks, Commissioner for Human Rights of The Council of Europe following his visit to Slovenia from 20 to 23 March 2017 (11.7.2017), para 78. <https://rm.coe.int/report-on-the-visit-to-slovenia-from-20-to-23-march-2017-by-nils-muizn/1680730405> (accessed 19. 12. 2020).

⁴ Amnesty International: Podatki o šolskem uspehu romskih otrok kažejo, da se jih pušča na cedilu [Data on the school success of Roma children show that they are being let down] (4. 10. 2018). <https://www.amnesty.si/podatki-o-solskem-uspehu-romskih-otrok-kazejo-da-se-jih-pusca-na-cedilu.html> (accessed 16. 10. 2020).

⁵ Republic of Slovenia: Podatki v zvezi z učenci s posebnimi potrebami v osnovnih šolah s prilagojenim izvajanjem in dodatno strokovno pomočjo [Data on pupils with special needs in primary schools with adapted implementation and additional professional assistance]. http://www.mizs.gov.si/fileadmin/mizs.gov.si/pageuploads/podrocje/posebne_potrebe/pdf/Tabela_ucenci_s_posebniimi_potrebami.pdf (accessed 16. 10. 2020); Inštitut RS za socialno varstvo: Število romskih otrok glede na vrsto osnovnošolskega izobraževanja [Number of Roma children by type of primary education]. <https://www.irsv.si/demografija-8/2013-01-11-18-12-72/stevilo-romskih-otrok-glede-na-vrsto-osnovnosolskega-izobrazevanja> (accessed 16. 10. 2020).

We have stopped this activity in 2020 after the ECtHR decision due to lack of any, even minimal, interest by authorities.⁶

Unemployment rates are extremely high, but in our line of work we only received unofficial estimates because the state does not collect disaggregated data. In the Administrative unit Novo mesto area, officials usually use an estimate of over 90 % Roma unemployment, while some even claim 98 % unemployment rate (the unofficial information of the officials of the Novo mesto municipality for their municipality).

Underage pregnancies are common and not addressed systemically or in specific cases. I was personally involved in several cases; some can even be classified as forced marriages. These marriages are not formal; we are talking of sexual relationships really. In one of such cases the Police failed to intervene and find a minor who was »kidnapped« or – as the other side claimed – »escaped abuse by the father«. A special police unit was unsuccessfully seeking for this minor for over a week and a chief police officer involved in resolving the volatile situation. The Roma observed how impotent the authorities including the Police actually are. Naturally, the problem lies in both legislation and lack of proper horizontal cooperation on the national and local level of all institutions.

Access to water, sanitation and electricity is often non-existent.⁷ There is some official information on the situation in Roma settlements, but these official lists often ignore illegal parts of otherwise legal settlements. The information is thus flawed. On the general level, estimate approximately 1,000–1,500 Roma do not have access to water. Roma collect water in cemeteries, petrol stations and even in (polluted) streams and forest springs. I have seen it all, as has the Ombudswoman dr. Čebašek-Travnik when we took her to one of these settlements (a surprise visit) in Škocjan. The Ombudsman special report on the situation of Roma from 2012⁸ is very detailed in this

⁶ Amnesty International: False starts: The exclusion of Romani children from Primary education in Bosnia and Herzegovina, Croatia and Slovenia (2006). <https://www.amnesty.org/download/Documents/76000/eur050022006en.pdf> (accessed 16.10.2020).

⁷ Amnesty International: Parallel lives: Roma denied access to housing and water in Slovenia (2011). <https://www.amnesty.org/download/Documents/32000/eur680052011en.pdf> (accessed 16.10.2020).

⁸ Varuh človekovih pravic RS: Posebno poročilo o bivanjskih razmerah Romov na območju jugovzhodne Slovenije [Special report on the living conditions of Roma in

regard, as is completely ignored. Surprisingly, the ECtHR decision explicitly states it is in line with Human Rights standards if the public water access point is 1,8 kilometres away.

A special situation is linked to access to electricity, which is not a part of Human Rights yet. Some Council of Europe bodies state electricity as a basic necessity, but in legal proceedings in 2018 the Higher court in Ljubljana ruled against the lawsuit of the Roma to access electricity. When managing the case with Amnesty International attorney, we decided not to push the issue to the Constitutional court due to the poor chances of success.

Buildings of Roma are significantly sub-standard. In the past, the dwellings were often subject of forced removal attempts. I have personally managed a legal proceeding of a Roma from Škocjan, culminating in the Constitutional court decision U-I-64/14 from 2017, which effectively stopped all forced evictions in the country (not just for Roma; the implementing legislation has not been adopted yet). The court emphasizes, to simplify, no one's home should be demolished just because it is illegal. There are no additional support measures in place, like social housing and other measures in the Dolenjska region. Even more, I have also personally established an illegal Roma settlement (I actually advised against it, as had the attorney later, but the family simply had no choice), due to no other options possible, helping a family flee inter-community violence into the forest and for the lack of any social housing, helping them legalize a wooden hut to live in the forest (17 people reside there at this moment in 2020). Similar constitutional court motions on other bits of legislation and municipal zoning plans were not considered admissible by the court when challenging the material-law provisions of the Krško municipality in similar cases. It is worth noting that in 2015 the Catholic church sold a property with an illegal Roma settlement in Krško – with people included. None intervened despite being called to by NGOs and Roma representatives.⁹

the area of south-eastern Slovenia] (2012). http://www.varuh-rs.si/fileadmin/user_upload/pdf/posebna_porocila/POSEBNO_POROCILO_ROMI_-_maj_2012_-_za_splet.pdf (accessed 16. 10. 2020).

⁹ Marjan Jerman, Gorazd Rečnik: Prodaja romskega naselja: lastnina proti človekovim pravicam [Sale of a Roma settlement: property against human rights]. In: Val 202 (15. 7. 2015). <https://val202.rtvlo.si/2015/07/romsko-naselje-rims-z-romi-se-bodo-zaceli-pogovarjati-po-koncanem-poslu/> (accessed 16. 10. 2020).

Social housing is simply not an option. Where municipalities have public tenders, in Dolenjska (Črnomelj, Novo mesto) they grant additional points for employed applicants and for higher levels of education. This effectively blocks Roma from receiving social housing, keeping them in their illegal ghettos on the outskirts of society. This is explicit discrimination, which the state authorities, Ombudsman and the Advocate of Equality fail to see, address and prevent. Inspection services fail to intervene.

Other issues arise from the marginalized position of this minority. Inter-community disputes are often and almost always encompassing entire families. In extreme cases of underage kidnappings or underage marriages and occasional extreme violence, state systems completely fail to react. Anecdotal are stories of Police unable to locate missing children on runaway-honeymoons or even kidnapped (sometimes children escaping from police cars), grotesque are examples of minors with two or even three children of their own already. In Ribnica, a minor gave birth to her third child – which was put into care by social services at the infirmary, apparently because of living in extremely substandard conditions. Her other two small children were left in her care as they were not endangered, though living without water and electricity. Her brother's third child died in the same period due to »the accidental death in the cradle«. In fact, the body was bitten by rats. The social services removed the other two children from this family temporarily. The families are not even registered in Ribnica and have lived in these extreme conditions for years. What this case implies as a possible solution is a massive removal of Roma children by authorities like in Australia.

In some areas, cultural ties to the majority are not present and due to the abovementioned failure of the educational system, the Roma in the south-east often live in a parallel society, have poor functional literacy, are sometimes actually illiterate and on the general level have actually poorer command of majority language.

Official information on life expectancy and mortality rates are disastrous, but which is not a surprise considering the living conditions. It's just that authorities do not care at all. Official information from the end of 2019 from National Institute of Public Health show that the life expectancy of Roma is just 55 years, 22 years less than the majority population (77 years). Roma baby mortality rates are four times higher than in majority population. The mortality rate of

babies from the first to fourth years of age is seven times higher than in majority population.¹⁰

Criminal offences with prison terms even further worsen the social position of families. Because of local clashes, crimes and minor offences, the majority population often requests repressive action. I cannot comment on inter-community relations, but it's clear they are poor. Cases of extreme servitude dependencies, bordering on slavery, are known (I have chosen not to engage in one of these stories myself). Extortionate loans and drug trade, are common too.

The majority population is not to be automatically blamed – their living conditions are often poor too. Cases of attempted prohibition of burials, public protests of all sides, attempted forced evictions and general ignorance of institutions are often. Ignorant local politicians are often explicitly xenophobic, racist and thrive when politically aggressive against minorities.¹¹

Public funding of activities (in some municipalities the rule is to provide nothing) usually means activities are not strategic and not measurable and are project based. I had seen project leaders and inclusion partners afraid to call the municipality lest they lost funding when it came to Roma issues, including the low vaccination rates of children who often become a medical risk (I was once detained in hospital for fear of mumps, by the way). On the other hand, the authorities often fund activities just for the sake of it, even if they are idiotic. Funding erotic half-naked children dancing as a cultural activity is one of these examples.

All these issues culminated in the abovementioned two cases at ECtHR. As said, our team raised a referral to the Grand Chamber (a complaint) to reopen the case. It is the only alternative to an escalating situation that would lead to law changes across the board and benefit the majority the most, to be honest. Why local politicians

¹⁰ Tatjana Krajnc Nikolić, Olivera Stanojević Jerković, Martin Ranfl, Damijan Jagodic, Jerneja Župan, Martina Copot, Victoria Zakrajšek, Zdenka Verban Buzeti: Public health approaches for the Roma ethnic community in Slovenia. Ljubljana 2020.

¹¹ Varuh človekovih pravic RS: Sistemska segregacija Romov v občinah [Systemic Roma segregation in individual municipalities] (16. 10. 2007). <https://www.varuh-rs.si/obravnnavane-pobude/primer/sistemska-segregacija-romov-v-posameznih-obcinah/> (accessed 21. 10. 2020); Gregor Cerar: Številni Romi še vedno živijo v nekaških socialnih getih [Many Roma still live in some kind of social ghetto]. In: MMC (8. 4. 2013). <https://www.rtvsl.si/slovenija/stevilni-romi-se-vedno-zivijo-v-nekaksnih-socialnih-getih/306188> (accessed 16. 10. 2020).

remain ignorant and tolerate extreme poverty in some areas is beyond me. Why state institutions do not push for more targeted powers and opportunities also eludes me.

Unfortunately, we were not successful with our legal work.

3. Health care issues

In 2011 the Ministry of health compiled a collection of reports from local health centres and hospitals on the situation of Roma minority. This collection of reports can be obtained through the Ministry of health (for some reason it is not public) and does not include any analysis by the state, it just joins responses of local health institutions. Several Dolenjska health centres claim poor inoculation levels. Access to water, sanitation and electricity is often emphasized as a factor in relation to poor health conditions. Some institutions extend their competence and even focus on minority behaviour and other issues.

As already explained, the 2020 the National Institute of Public Health report is much more worrying with outrageous information on significantly lower life expectancy and higher infant mortality rates for Roma.

In the field, my interlocutors often claim diarrhoea, colds and other diseases – because of poor living conditions.

A woman, who gave birth to 15 (fifteen) children claims she never visited a gynaecologist. I believe her. Preventive sex education does not exist. Projects which were funded by the state in the Roma settlements, focused on measuring the level of blood sugar – not by local health workers, but by ones from Prekmurje (a distant region). I guess only the number of projects counts, not their impact. It is safe to say that there is no systemic approach by the health sector towards Roma because it is overburdened.

I have already mentioned underage pregnancies. The most critical few I faced in the field were minors, giving birth to children. In the last two such cases in the same family (in January 2020, before the ECtHR judgment), in one family there was a dead child, bitten by rats (other two removed to custody) and in the other family the authorities took custody of a newborn in the hospital the same day the child was born for being endangered – but not the child's siblings. Both mothers gave their first birth undragged, around 15 or 16 years of

age. Other underage pregnancies follow the same pattern: underage, no basic infrastructure, no education of parents – no prospects for a future. Sometimes Roma pupils just quit school in order to start a family. The income expectancy in the short turn is greater. Except in those two cases, I have not witnessed any reaction of social institutions, even in the cases of extreme inter-community violence or alleged rape or sexual work accusation. I fear that even in these two cases, the state intervention will not resolve anything.

An anecdote from Grosuplje can show how it looks like in the field. I was helping the elected Roma municipal council member with legal issues. His predecessor had to win at Administrative court twice just to get his mandate confirmed. In one of the projects, managed by people in offices far away from the field, an idea came up to reach out to the local health centre to ease inoculation of preschool children and thus school integration. However – no one within the public sector (the school, kindergarten, project leaders) wanted to call the municipality or the health centre to discuss the issue or facilitate the process. The Roma council member and I set up a meeting, discussed the idea and implemented a visit of the most critical families in the health centre building. It was impossible to organize visits of health workers in the settlements due to medical standards and lack of capacity, which came to us as a surprise. I always thought that if one wants to address and resolve an issue, one must resolve it in the field, not in their offices far from the field. After this initiative, no official institution picked it up – and slowly the contact faded, especially after the Roma council member suffered a stroke.

The above story is symptomatic. On all issues, the problems are addressed in offices in Ljubljana. There, the situation is far from the eyes and far from the heart of the decision-makers. The same applies to local institutions – since many Roma settlements are hidden in the forests or behind industrial zones, they make no effort not to disturb the majority. How convenient.

Health care issues correlate to and with other challenges significantly and the society cannot tackle one issue without tackling them all. If we cannot as a society agree on this, there is absolutely no point in asking ourselves how to tackle them at all.

4. Conclusion

Writing of the paper was challenging and therapeutic at the same time because of all the efforts put forward in the past fifteen years. In practice, little has changed, and after the European Court's decision and the unsuccessful referral to the Grand Chamber, little is going to change in the next ten years. I have become very pessimistic about any prospects for a change, causing a shift of both my organization and my professional preference to other topics.

Now I feel that this paper is the real waste of the story, not just regarding Amnesty International Slovenia and my career because I will manage but for a group of people with learned and acquired knowledge, skills and competence on minority-related issues. The authorities, people in power-positions, including minority leaders or faculty professors, choose to ignore Roma people to pursue their personal or short-term interests. The gain of the few thus causes the loss or lack of progress for Roma, the vast majority and also the local majority population.

It is not the whining of a would-be individual. It is reality, controlled by what I call project mafia and key-decision-makers who want to keep their public-sector jobs. It's the easy way out. The authorities get an excuse of yearly amount of funds, diverted to various (impact-less) projects, to report to inter-governmental organizations, like Council of Europe or United Nations.

I have always asked my interlocutors a simple question, and I would like to share it with the readers here: What do we want the Roma minority to look like in 2050? Do we want over 60 % dropouts in primary schools, illiterate, unemployed, socially excluded with poor health, low life expectancy and trapped in their limited society, including informal power networks, underage pregnancies and a lifestyle of easy crime where almost no one pays taxes? If we are okay with that, well, Slovenia is doing just great, and nothing needs to change.

If that is not what we want, I propose to clean out the Augean stables of Roma (as Hercules did). In other words, to build a new house, you must first burn down the old one. There is no alternative. The whole system must change – or we will accept illiteracy in 2020 in Slovenia. In Slovenia, there is no Strategy on Roma integration with measurable goals, timeframes and funding in place (SMART –

specific, measurable, accountable, real timeframes).¹² There is a Roma strategy on education, but there are no measurable goals inside – like how many Roma children does the society want to finish primary school by 2050? This shows the attitude of authorities although some players, including the Parliamentary Commission for Human Rights called on the Government to create such a SMART strategy.

I wrote most of this article long before September 8, 2020. On that day, the Grand Chamber of the European Court of Human Rights rejected the complaint (the referral) of the two Roma families. It means that changes in the law are still years away (our proposals to change the law, which we worked out with judges, lawyers and other professionals, were forwarded several times to the authorities – we never received a reply). Unfortunately, I feel tired and hope I do not have to participate in this process again with the same decision-makers who are responsible for the situation and have been in their respected positions all these years, with ongoing challenges that do not seem to change one bit.¹³

¹² Amnesty International: Public statement (2020). <https://www.amnesty.org/download/Documents/EUR6819842020ENGLISH.PDF> (accessed 16. 10. 2020).

¹³ Amnesty International: Slovenia: Persisting challenges in Roma integration – Submission for the UN Universal Periodic Review (2019). <https://www.amnesty.org/download/Documents/EUR6804762019ENGLISH.PDF> (accessed 21. 10. 2020).