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## Positive discrimination of the Roma minority

*The case of Roma local councillors in Slovenia*

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**ABSTRACT** In its Constitutional Charter, Europe, as a multicultural society, advocates and guarantees the protection of minorities and emphasizes the establishment of the conditions for preserving cultural diversity. The protection of minorities is especially important, given the large number of different nationalities that have often not only settled within the boundaries of their motherlands but also co-exist on common European territory. One of the most problematic concerns here is the displaced Roma community. The rights of the Roma minority are regulated by each individual country within its legislative borders but always in compliance with the related EU guidelines. The purpose of the article is to provide an in-depth evaluation of the current state of the Roma's participation at the local level in Europe, and specifically in Slovenia. The authors thereby seek to identify how the Roma question is being resolved, based on an empirical analysis of opinions of decision-makers at the local level.

**KEYWORDS** local council ● local representatives ● local self-government ● policy-making

### THE IMPORTANCE OF POLITICAL PARTICIPATION FOR THE ROMA MINORITY

Democracy is defined by citizens and their political actions. However, democracy should encompass more than simply participating in elections

once every few years to select representatives who will then take decisions on the voters' behalf. The term participation means being involved in decision-making and other activities in the area of social life. In most cases, the term relates to the concept of political participation, which Nie and Verba (1975: 1) defined as 'those legal activities by private citizens that are more or less directly aimed at influencing the selection of government personnel and/or actions they take'. We can divide forms of public participation into two broad categories: formal and informal. 'Public participation may be formal, meaning its form has been prescribed by a law, or informal, meaning the public decides independently the form of participation it will take' (Bowman and Thiebach, 1994: 65).

Most often, public participation takes the form of participation in elections. There are also other forms such as participation in referendums, political demonstrations and election campaigns, political party or pressure group memberships and civil disobedience. In addition to these forms of political participation, other forms exist that are less politically charged, such as participation in public exhibitions and public debates. In today's changing world and helped by the rapid development of information technology, new informal forms of public participation have emerged, such as:

- organized groups of citizens (environmentalists, denationalization claimants etc.) forming networks aimed at influencing the development of policies;
- groups of citizens drafting laws or commenting on draft laws;
- grassroots lobbying; and
- people using new technologies (the Internet) to make suggestions or participate in debates.

New forms of informal participation usually emerge when the existing channels of influence become insufficient. The form they take and whether they result in new mechanisms for influencing decision makers depends on the ingenuity and motivation of the interested individuals and groups. Stec (1994: 133–317) explained the forms of informal public participation using brief case studies and emphasized that, in the short term, forms of informal public participation produce more tangible and rapid results. This is particularly important when rapid action is required to prevent irreversible damage. However, for long-term and final solutions to problems, the forms of formal and informal participation must be complementary to, and aligned with, each other.

Some distinguish between conventional and unconventional political participation (see Brezovsek, 1995: 200; Makarovic, 2002: 70).

Unconventional participation arises when groups that are in a worse position cannot satisfy their conflicting aspirations through the election process, and thus

recourse to more forceful actions such as protests, demonstrations, riots, murders or armed revolutions/ (Brezovsek, 1995: 200).

Unconventional participation differs from conventional participation, in particular, in the use of force and coercion.

Therefore, groups in an underprivileged situation, or discriminated against in some other way, need the extra protection of their rights to be able to function in society. Nationally mixed societies or societies with one (and often several) national minorities must provide additional official forms of political participation for minorities. Allowing for the informal political participation of minorities is by itself not enough and can result in their long-term exclusion from decision-making processes. Especially vulnerable are those minorities that do not have a motherland to act as their patron and, through mediation and interventions, provide a favourable atmosphere for preserving and developing the national culture that links a minority to its motherland. The Roma minority is such a minority. Our starting point is the assumption that, to ensure its rights, it is mandatory to provide the Roma minority with an *appropriate* form of political participation to enable its adequate representation in local and state decision-making bodies and guarantee the implementation of appropriate policies that, instead of being just theoretically conceived projects without any tangible results, would bring real benefits to the Roma minority.

In the past 13 years, the democratic processes underway in central and eastern Europe have dispelled two illusions – or false assumptions – about the representation and participation of the Roma in public life. The first is that Romani concerns can be effectively addressed and their rights promoted within the ordinary political process by individuals (who are not necessarily Roma) in publicly elected bodies. The second is that a token number of Roma in the policy-making bodies can make a difference in policy formation and implementation for the Roma. While it cannot be claimed that the Roma minority is not represented in state or locally elected bodies,<sup>1</sup> it will be assumed that the inclusion of the Roma minority in the existing forms of political participation is insufficient and ineffective, despite the introduction of some forms of so-called ‘positive discrimination’. However, one should also wonder whether such acts of positive discrimination, such as quotas and special committees, are a valid temporary solution for strengthening Romani political participation. Or rather, as was concluded at a roundtable of the Project on Ethnic Relations in 1998 in Budapest, that the Roma must increase their political representation through existing mechanisms to the point where they are participating on the same basis as other political groups.

## THE ROMA MINORITY IN EUROPEAN SOCIETY

In Europe, the Roma are a minority that extends beyond the boundaries and *responsibilities* of any single country. Especially since EU enlargement, it has become obvious that the Roma are neither a small population nor do they face the usual problems experienced by minorities.<sup>2</sup> Although the actual size of the Roma population in Europe is unknown, it is estimated that may have as many as 10 million members. This is based on estimates made by 11 European countries according to which the number of Roma totals between 2.7 and 5.6 million in those countries. The Roma population in Europe has increased considerably since the accession of 10 new member countries (in May, 2004) when the European Roma minority was estimated to have grown by an additional 1.5 million, thereby representing the biggest ethnic minority in Europe (European Commission, Directorate-General for Employment and Social Affairs, 2004).

The *situation* in Europe is also reflected in Slovenia. Between 7,000 and 10,000 members of the Roma ethnic community are estimated to live in Slovenia with the actual number still not established, mainly because of difficulties in carrying out the census and providing access to all the Roma living in Slovenia and the significant problem of the so-called 'erased' – those individuals who were not granted citizenship after Slovenia's independence in 1991. There are approximately 19,000 'erased' people in Slovenia, and many of them could be of Roma origin. The most frequent contact with the Roma is maintained by the Centres for Social Work, which in 2003 recorded 6,264 Roma in Slovenia, while in the 2002 census, only 3,246 people declared themselves to be members of the Roma minority (see Table 1).

The relatively small share of Roma populations in Slovenia (only 0.5% of the total population) in comparison with other central and eastern European countries (in Hungary estimated at 4.5% of the total population, 4.8% of the total Slovak population) has probably led to the fact that most if not all international comparative studies on Roma populations in Central and Eastern Europe have excluded Slovenia from their studies and statistics.<sup>3</sup> This has generally resulted in unpublicized Romani issues in Slovenia, along with a lack of comparative studies in this field.

Some issues encountered by Roma and non-Roma are common to all

**Table 1** Roma population in Slovenia 1953–2002

| Year                        | 1953 | 1961 | 1971 | 1981 | 1991 | 2002 |
|-----------------------------|------|------|------|------|------|------|
| Roma population in Slovenia | 1663 | 158  | 951  | 1393 | 2259 | 3246 |

Source: Statistical Office of the Republic of Slovenia (2006).

countries where a Roma minority lives. The basic problem, seen mostly from the top-down approach, is that information about the number of Roma in every country and even every community is not accurate enough. A more accurate estimate of the number of the Roma population is needed to further regulate socioeconomic and legislative fields, to ensure a level of protection of the Roma minority that is comparable to that provided to other minorities. For the Roma minority this is especially important because, for historical reasons, there are extreme differences between individual Roma communities in terms of their traditions, specific way of living and the level of their socialization and integration with the environment. This makes implementing common policies at the European and national levels very difficult, supporting the tendency to regulate the Roma question at the local level. However, certain characteristics occurring to larger or smaller degrees can be noted in all local Roma communities. Namely, the Roma are a poorly educated population with low employment levels, poor housing conditions and an underdeveloped adjacent infrastructure. Their difficulties can be divided into the following main problem areas: upbringing and education problems; employment; housing and infrastructure; and the problems of participating in the formulation of public policies of local and national significance.

It is the solution to the problems of participation in national and local policy-making processes that needs to be included in further regulation of the Roma question. Perhaps no principle is more essential to the success and legitimacy of initiatives to alleviate the concerns of Romani communities than that Roma themselves should be centrally involved in developing, implementing and evaluating policies and programmes. The basic democratic principle that individuals should have a say in how they are governed requires nothing less, and pragmatic considerations counsel the same approach. The importance of minority participation in public affairs is specifically provided in paragraph 35 of the Copenhagen Document, which requires participating states to 'respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities' (Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, 2000).

In addition, the Organization for Security and Co-operation in Europe (OSCE) directives dictate that its members strenuously and conscientiously ensure that the rights of the Roma are exercised. In its reports, the OSCE is especially aware of the importance of including the Roma in the policy-making process at the local level. The roles of local government and civil organizations are important in this respect; some of the most impressive programmes launched in recent years have been undertaken at local levels, frequently on the initiative of non-governmental organizations (NGOs). But local governments have also blocked promising initiatives;

some have even sought to institutionalize anti-Roma discrimination through exclusionary policies. It falls on national authorities to ensure that the Roma enjoy the fundamental right to equality both in law and in fact, irrespective of the division of jurisdiction within the state. While the principle of equality requires protection against discrimination, it also entails proactive policies and special measures to ensure equality of opportunity. This is especially relevant for the Roma, who have been excluded from opportunities and otherwise disadvantaged for so long – indeed, for generations. Considering these problems, we may draw the conclusion that political challenges in the field of so-called ‘Roma problems’ include acknowledgement of the Roma minority, an adequate census of the Roma population, the appropriate inclusion of the Roma in policy decision-making, the accessibility of financial resources, and the cooperation of local communities.

A great diversity of issues that Roma communities encounter makes it hard to address them all with single policy. Our research does not present an alternative solution to these problems. Instead, it provides an in-depth analysis of a mechanism that could represent the first step towards building cooperation between the Roma and decision makers at the local level – i.e. the introduction of a Roma councillor in municipal councils in Slovenia. In the framework of the European directives and recommendations, Slovenia has responded to the problems of the absence of, or inappropriate, inclusion of the Roma in political decision making. Although these changes are overdue (noting that Article 64 of the Constitution of the Republic of Slovenia (1991) foresees a special law that will address Roma issues effectively) and not implemented at the national but the local level, they are quite bold in comparison with other central and eastern European countries. Changes to the legislation have granted the Roma – as a specific group – the possibility that in those municipalities with a larger number of Roma residents they have compulsory representation through their own representatives in the municipal council. Therefore, in each of these municipal councils there is a minimum of one councillor of Romani origin (hereafter: Roma councillor). This form of positive discrimination was considered the most appropriate by decision makers in Slovenia.

In the light of this and considering that no research has been carried out on this subject in Slovenia or elsewhere in Europe, our research posed the following research question: How has the introduction of Roma councillors improved the Roma minority’s political participation in Slovenia?

### ***Legislation regulating the Roma’s status***

***International legislation*** Especially important for the position of the Roma in Europe are international legal documents that contribute to improving their position and preserving their identity. Therefore, the

United Nations, the Council of Europe, the Organization for European Security and Co-operation and the Central European Initiatives have adopted some anti-discrimination directives and recommendations. The umbrella European document dealing with discrimination and racism (including discrimination against the Roma minority) is Article 13 of the Treaty Establishing the European Community (TEC) and the ensuing directives that are binding on all members. Particularly important for the Roma minority is Directive 2000/43/EC: ‘implementing the principle of equal treatment between persons irrespective of racial or ethnic origin’ (the ‘Race Directive’). Although many member countries had codified anti-racist and anti-discrimination mechanisms and sanctions before the so-called Race Directive was adopted, this did not apply to all countries. Among the important documents regulating the Roma’s status are the Framework Convention for the Protection of National Minorities of the Council of Europe; the European Charter for Regional and Minority Languages and the International Convention on the Elimination of all Forms of Racial Discrimination, along with Council of Europe references to, and resolutions on, the position of the Roma in Europe. The inclusion of minorities (including the Roma) in decision-making processes in the European space is extremely important for creating an international environment that will represent the interests of all residents of Europe.

***Slovenian national legislation*** Regulation of the legal position of the Roma community in Slovenia began in 1989, when constitutional amendments contributed to a provision being adopted whereby the Roma’s legal status would be regulated by law. This laid the legal foundations for regulatory and protective measures and, at the same time, it meant that because of its specificity, regulation of the Roma community did not have equality with the regulation and protection of the country’s two constitutionally acknowledged minorities, i.e. the Italian and Hungarian minorities (National Council of the Republic of Slovenia, 1995). The Slovenian Constitution thus distinguishes between the two largest ethnic minorities, Italian and Hungarian, and the ‘autochthonous’ Roma minority, granting the latter fewer special minority rights (Official Gazette of the Republic of Slovenia, 1991). ‘Their rights are not nearly as protected as the rights of the Italian and Hungarian ethnic groups’ (Perić, 2001). A crude but telling comparison is in the length of Articles 64 and 65 of the Slovenian Constitution: Article 65, addressing the status and rights of the Roma, is one of the shortest in the Constitution, simply stating the following: ‘The status and the rights of Roma communities living in Slovenia shall be such as determined by statute.’ By comparison, Article 64 of the Slovenian Constitution recognizes a whole range of rights pertaining to the Hungarian and Italian ethnic minorities, regardless of their numbers, including but not limited to the official use of language and education in mother



tongue, and direct representation at the local level and in the National Assembly (Perić, 2001). However, 16 years after the newly independent Slovenia adopted its Constitution, a law on the Roma has still not been adopted.

The question remains as to why the Constitution of the Republic of Slovenia defines the Roma as an autochthonous minority, although they are considered a national minority in the opinion of the majority of experts; moreover, they also do not have the position of a national minority but rather the status of a special ethnic community or a minority with special ethnic characteristics (their own language, culture and other ethnic characteristics). It is because of these so-called special ethnic characteristics that the decision makers decided on regulation that is separate from both the Italian and Hungarian minorities in the so-called Roma Act. The Roma Act sparked a lot of public debate in Slovenia in 2006 after the government announced that it was soon to be published. However, so far the contents of the act remain unknown to the public and the speculation suggests that it does not bring any additional rights to the Roma minority. It is expected that the act will merely bring together all provisions concerning the Roma minority found in other legal documents and the government will realize the constitutional provision through this action.

### **THE LACK OF ROMA REPRESENTATIVES IN THE POLITICAL DECISION-MAKING PROCESS**

Similar to other minorities, the Roma are considerably under-represented in political decision making. At the national parliamentary level, for example in the Czech Republic, where the Roma is the biggest minority, only one of the 200 members of parliament is Roma; the same goes for the Bulgarian parliament. There are no Roma representatives in the Slovakian or Hungarian parliaments, while in the Romanian parliament there is a single Roma representative in a place reserved by law for the Roma minority. Also, no member of parliament in Slovenia declares themselves a Roma. In order to improve the position of the Roma minority, some countries have established a counselling body at the national level in which representatives of the Roma minority cooperate. As Kállai and Törzsök (2005) stated, there are many Romani political parties in central and eastern Europe (although not in Slovenia); however, their participation in representative bodies has mostly been limited to the local level. They have been unable to muster sufficient electoral strength for parliamentary representation at the national level. The participation of Romani parties and associations in national elections has merely played a symbolic role, serving as a political manifestation of Romani identity and an expression of the desire

to participate in electoral processes.

Germany, for example, takes care of its minorities through several national bodies: the German Institute for Human Rights, the National Monitoring Office and the Office for Promoting the Implementation of Ethnic Guidelines under Article 13. Considering that in Germany there are approximately 70,000 to 100,000 Roma, it is surprising that there is not one single Roma representative in the above-mentioned bodies. While Germany has addressed the Roma minority issue in many documents, the Open Society Institute (2002) has recommended the following:

Build trust among minority communities through confidence building and partnership programmes involving State institutions and Roma organizations and by including duly-elected minority representatives in decision-making on the development and implementation of policies that affect them.

In Spain, there is no official institution or body that takes care of or is responsible for minorities, equality or discrimination. The Spanish government has formulated a national Roma policy, but it has been seriously criticized by Roma representatives. Besides the deficiencies of that programme, the main reason for resisting the umbrella policy was the exclusion of Roma from its conception and implementation. Only a handful of Roma representatives are working in the field of the national project. The result of this lack of inclusion of the Roma population in elaborating the programme is primarily poor knowledge of the living conditions of the Roma minority as well as inappropriate solutions to issues from the fields of participation, political life, protection and discrimination (Organization for Security and Co-operation in Europe, High Commission on National Minorities, 2000).

In Romania, so-called Roma experts have been appointed in several mayors' offices. They are to take care of implementing the National Programme on Roma and to draw attention to any irregularities. However, the initiative fell down in the area of the expertise and partiality of these 'experts' who were appointed by the only Roma political party, because the appointment process was alleged to be non-transparent and questionable. Many such policies, designed by individuals with commendable intentions but little appreciation of Romani culture, have been inappropriate. Plainly, too, programmes designed without Roma involvement are likely to lack legitimacy within the communities they are meant to serve; after centuries of being subjected to assimilation policies, many Roma understandably tend to regard with scepticism Roma policies developed by non-Roma. Equally, the active engagement of the Roma is essential if states are to avoid fostering or perpetuating a pattern of dependency (European Commission, Directorate General for Employment and Social Affairs, 2004).

### ***Ensuring the Roma minority's political participation in Slovenia***

Historical documents reveal that Roma lived in the territory of Slovenia even before the 15th century while, from the 17th century onwards, more detailed and frequent documents and publications regarding the Roma in Slovenia can be found. It is believed that Roma migration to Slovenia came in three separate waves. Ancestors of the Roma who live in the Prekmurje region (north-east Slovenia) came from Hungary, ancestors of the Roma who live in the Dolenjska region (south Slovenia) came from Croatia (or other ex-Yugoslav countries) and a small community of Sinits came from Austria (Council of Europe, 2004). The Roma who came to Slovenia from ex-Yugoslav countries are, according to Jud Nirenberg of the Regional Roma Participation Programme in Budapest, causing the significant growth of Roma populations. He argues that Roma refugees have created something of a socioeconomic crisis for Slovenia, which is the most ethnically homogeneous state of the former Yugoslavia (Latham, 1999). One cannot agree with this particular assertion because there is no obvious evidence to confirm this. However, Slovenia was clearly the most ethnically homogeneous state in the former Yugoslavia and, as such, it may encounter more difficulties when embracing other nationalities.

Although Roma are traditionally nomadic populations, today there are two primary areas of their inhabitation in Slovenia: the Prekmurje and Dolenjska regions. These two large Romani communities have been dealing with quite different problems. Ancestors of the Roma in the Prekmurje region inhabited this territory earlier than those in the Dolenjska region, resulting in their higher social status, better integration in society and, to some extent, better living and housing conditions. Longer cohabitation with the majority population has brought fewer tensions in everyday life as well as a better status (especially as regards citizenship). On the other hand, the Roma community in the Dolenjska region has not had the necessary time or resources to establish itself as a homogenous pressure group. There is a general assumption that the Roma in the Dolenjska region came and are still coming (fleeing) from ex-Yugoslav republics; therefore they have a lower financial and education status, which often results in having to take other measures to survive.

This great difference in the characteristics of both communities makes the formulation of national policies on Roma issues problematic and insufficient. What is acceptable for the Dolenjska region might be too dated for the Prekmurska region and vice-versa. Although we are critical of the somewhat slow governmental (non)action when addressing the Roma problem, it should be noted that the Slovenian government did act in accordance with many international recommendations. Especially given that the European Commission states the importance of cooperation in joint policy-making:

The effective participation of Roma ought to be ensured at the earliest stages of policy-making, programme design, implementation and evaluation. As has been stressed repeatedly by actors involved both in implementing and developing projects and policies, Roma involvement at all stages is key to the real impact and sustainability of initiatives. (European Commission, 2003).

Further, the recommendation of the OSCE, which encompasses legislative, judicial as well as police and security systems, the election system and political participation of Roma, includes an appeal based on recent analyses to member countries to support the development of the Roma minority by enabling them to participate in decision making at all levels about Roma issues or to adopt any necessary documents referring to the Roma minority. Apart from that, the minority should have access to all-important information concerning the Roma. The recommendations also refer to the motto 'think globally – act locally' since implementation of the national (or even European) strategies at the local level is extremely important. Without effective mechanisms at the local level such strategies are bound to fail. This specifically applies to Roma issues, which are quite specific compared with those of the local communities in which they live. Therefore, also in Slovenia, inclusion in the processes of policy formation at both national and local levels is extremely crucial for the provision of equal representation of all citizens. While some individual members of the Roma community were included in political life decades ago,<sup>4</sup> unlike some other countries of the European Union, in Slovenia there is no Romani political party and, according to Jožek Horvat-Muc, the President of the Roma Association of Slovenia:

it would be unwise to establish one, mainly because politics for Roma is something . . . that is, political parties would cause more damage than positive action. Politics is politics and, as for the European circumstances, even the non-Roma cannot manage it too well, let alone the Roma. (cited in *Mladina*, 2001)

Therefore, Roma councillors remain the only visible and influential link between the Roma community and policy making of local significance, and this makes them very important. What remains to be seen is how they have been working since their appointment and how they cooperate with relevant local political actors. That is why we carried out and analysed structured interviews with all Roma councillors and the mayors of those municipalities with at least one Roma councillor in the municipal council, as prescribed by law.

## ANALYSIS OF THE INSTITUTION OF THE ROMA COUNCILLOR IN SLOVENIA

### *Analysis of structured interviews with Roma councillors*

Relevant data from Roma councillors themselves had to be collected to evaluate the current state of affairs regarding the practicalities of how Roma councillors actually work. For the purpose of the analysis we were interested in the opinions of all Roma councillors in Slovenia, mainly as an indicator of the actual functionality of introducing Roma councillors. Nineteen Roma councillors participated in the interviews,<sup>5</sup> which means that the whole observed population was interviewed. The Roma councillors were interviewed between October and December 2004.

To evaluate the work of the Roma councillors, we first needed to identify the difficulties faced by the Roma community. Since the problems are seen from very different perspectives by the Romani councillors and experts from the field, in the first part of the structured questionnaire we asked about the most important problems individual Roma communities are facing. The most frequently stated problem was the inadequate public utilities infrastructure and the non-regulated acquisition of land on which the Roma live. Moreover, many Roma councillors highlighted the problems of electricity, roads and drinking water. As we can see, all of these problems are closely interconnected and represent both a cause and an effect. For example, the regulation of public utilities would only be possible through the regulation of land ownership. Because of the consistent indications of all the problem areas mentioned in all the interviews it can be concluded that the problems do not affect only part of the Roma community, but exist in virtually all Roma communities in Slovenia. In another set of answers to the first question, the problem of the low level of education of the Roma population is revealed along with the poor employment possibilities and lack of interest of communities in the problems faced by Roma communities. The answers somewhat mirrored the picture of whole European Roma populations as recorded in recent research conducted by UNDP/ILO in Slovakia, Romania, Bulgaria, Hungary and the Czech Republic (again Slovenia was not part of the survey).

In the second part of the questionnaire we wanted to collect information on cooperation between the municipal council and the Roma councillor. The municipal council is the highest decision-making body for all matters within a municipality. Within its remit it adopts the municipal statute, decrees and other municipal acts, environmental and other plans for development of the municipality, the budget and the annual financial statement. Within the council, a Roma councillor is equal to that of any other elected councillor (there are seven to 45 councillors, depending on the number of inhabitants of the municipality). He can propose resolutions, participate in agenda setting and work independently.

In the municipal council one also finds working bodies (commissions and committees) that deal with specialized matters within the remit of the municipal council and that give opinions and put forward proposals. In connection to this, many municipal councils have established so-called 'Roma committees' or 'Committees for Roma issues', comprising three or more councillors. These specialized committees address issues connected to Roma communities in special sessions, later presented at a session of the municipal council. The acceptance of these proposals are not compulsory, nor is the establishment of the committee; however, our research revealed that it may have a positive influence on Roma councillors' work.

Because of the important role of the municipal council in the decision-making process and the determination of policies, we were especially interested in whether municipal councillors also discuss Roma questions at the sessions and, further, how frequently they discuss them (and if not, why not). It was established that in 69 percent of municipal councils, councillors had allegedly discussed Romani questions. The Roma councillors who said that their municipal council did not discuss the Roma's problems specifically stated that (1) their initiatives never make their way on to agendas; (2) the councils discuss Roma problems but the discussion is off the record and not written down in the minutes; and (3) there is no interest from other councillors in discussing their problems. Moreover, it is significant that in at least three municipal councils there is the already mentioned Roma Commission. However, even in those municipal councils where discussion of Romani problems takes place more or less regularly, according to the Roma councillors the responsiveness of other councillors is still quite poor. With the use of our open-ended questionnaire we managed to encompass wider causes of the lack of cooperation between municipal councils and the Roma councillors; frequently, this depends on the party membership of the other municipal councillors (according to the Roma councillors, councillors from the Slovenian National Party are especially non-cooperative), some councillors display a marked prejudice towards the Roma community and, in some cases, there is an expressed ignoring of it along with non-cooperativeness by the entire municipal council. This may be illustrated by two answers from mayors to the question: 'How important is the presence of a Roma councillor in your local council':

He is quite unimportant for the constructive debate; however, because of his physical presence we are aware that there are Roma issues we have to deal with.

His presence is important, but something should be done about educating Roma councillors. The Roma councillor in our council is barely literate and besides that he is not a representative of all Roma in our community. Some voted for him and some against.

At the time of our survey, the first four-year mandate of the Roma councillors was underway following the amendment to the Act and the municipal

statutes. Therefore, in the structured questionnaire we were also interested in whether during this time the municipal council had adopted any resolution that would mean a considerable shift towards a solution of the Roma question. Although some Roma councillors did not know the term 'resolution' or were not acquainted with its meaning, we can conclude that in 12 municipalities at least one resolution had been adopted since the introduction of a Roma councillor, which considerably contributed to a solution to the Roma question in a positive direction (no respondent told us they had adopted a resolution that would mean a marked shift in a negative direction). In the remaining seven cases, there were no resolutions that, according to the Roma councillors, would have resulted in a considerable shift in a positive direction.

Considering the specific relationship of the Roma councillor with his electorate as was perceived in the test interview, and to gather relevant data to outline to what extent Roma councillors actually represent the will of those voting for them, an additional question was posed to our respondents. Namely, what is their relationship with the Roma community since they were elected and vice versa? As it turned out, the level of the Roma community's identification with their own Roma councillor is debatable. The Roma community is not homogeneously distributed across the municipality but is partly dispersed in hamlets and villages. As a result, Roma are divided into so-called clans or family branches that are often opposed or even hostile to one another. In such cases, it is very difficult if not impossible to appoint a single representative for all the Roma living within a community. Besides that, one can observe that many Roma councillors are not a *rom baro* or the 'big man', meaning that the Roma who ran for office were on some occasions not the informal leader of the group. Namely, in a Roma community an individual becomes increasingly powerful with old age, with a large family, a good reputation and with an established relationship with formal authorities (police, social workers, court officials). This excludes many competent young Roma from leading their community. Mirga and Georghe (1997) stated similar findings in their analysis when they researched elective patterns of the Roma minority in Siklónagyfalu, Hungary. Their starting point was the assumption that the process of transition in eastern and central Europe has brought the Roma minority 'unprecedented opportunities to become active subjects of politics and policies directed toward them'. The conclusions of the research are surprisingly similar to ours.<sup>6</sup>

Statements about threats of violence made by the Roma community to their elected Roma councillor are not rare. As Sutherland (1986: 97) concluded in her observation of Romani life in America, 'one of the most apparent characteristics of the Roma is that they are almost constantly involved in conflict with each other, a factor that masks their equally intense solidarity as a group'.

It is also necessary to emphasize the poor knowledge and disrespect of the basics and mechanisms of local democracy. Most Roma do not acknowledge local elections as a legitimate way of electing their representative, preferring instead the traditional way of electing an informal leader (through personal assertion, experiences, initiation rituals etc.) who frequently is not a candidate at the local elections. According to 17 percent of the interviewed Roma councillors, their relationship with the Roma community deteriorated after their election, 44 percent of them claimed that their relationship remained unchanged, while 39 percent said that their relationship even improved.

To illustrate, one Roma councillor expressed the following in an interview (about what improved after he was elected):

Nothing major, they (the municipality) promise a lot, but do little instead. I am important just because there are eight councillors in opposition and eight in position, so my vote prevails. And truthfully, nothing is better. Everybody thinks, let them (Roma) kill each other, they have their representative. And I stay in the middle because members of the Roma community are threatening me when nothing is done and, on the other hand my hands are tied, the state and the municipality are a brick wall . . .

In the third part of the survey, we were primarily interested in how the Romani councillors could improve their cooperation with the municipal council in order for Roma issues to be resolved more easily and quickly, because we were also interested in their perceptions of disturbing actors in the policy-making process and how they rate the introduction of the Roma councillor mechanism. There was a range of answers to the question: 'What would you change to improve the efficiency of actions of the municipal council in the field of resolving Roma questions?' Most called for a boost to informal communications, either with the mayor, councillors or even with other NGOs. The need for additional resources was also expressed. Roma councillors desperately need access to an office, computer, the internet etc.

Roma councillors see those actors who participate in the formulation of Romani policies, as well as the Roma community, as an obstacle to improving the current state of addressing Romani problems. According to 31 percent of the respondents, the greatest obstacle to establishing better cooperation of the Roma community with other locals is the Roma community itself. In their opinion, the reasons lie in criminal, non-adaptable behaviour, a lack of education and a poor financial situation, mainly reflected in conflicts between the Roma and other locals. According to the Roma councillors, the main obstacle to improving cooperation equally involves: (1) the state, because it is not addressing Roma problems at the national level; (2) the mayors who, according to the Roma councillors, in some municipalities simply do not listen to the Roma councillors; and (3) other locals who with their prejudices hinder the normal inclusion of the



Roma in the local community. Interestingly, according to the Roma councillors, the municipal councils themselves do not present an obstacle to the improvement of cooperation, while one Roma councillor even pointed to himself as being the biggest obstacle to cooperation, because he was illiterate and therefore unfit for the job.

At the end of the questionnaire we wanted the Roma councillors to evaluate their work and give opinions on whether the situation in the field of Roma problems in the municipality has improved since their election. According to the previous answers, which more or less defined the current situation of resolving Roma problems as inappropriate and deficient, surprisingly, the majority approved of the introduction of the mechanism of the Roma councillor. The Roma councillors evaluated their work very positively. However, it cannot be established whether some policies (on the building of infrastructure, land acquisition, education etc.) were formed as a consequence of their work or were already in progress before their appointment and would have been implemented irrespective of the introduction of Roma councillors. Those Roma councillors who thought that since the introduction of Roma councillors the solution to Roma issues had deteriorated had specific comments about their municipality and its decision makers.

### ***Analysis of structured interviews with the mayors of Slovenian municipalities***

Mayors represent the executive body of a municipality. They are elected directly at general elections and have the right to propose the budget, the annual financial statement, ordinances and all other acts within the competence of the municipality to the municipal council. Mayors call and run municipal council meetings. Besides the mayor, each member of the municipal council can put forward ordinances and other municipal acts, with the exception of the budget and financial statement. Mayors are the guardians of legality and can withhold the issuing of an act of the municipal council if they think it is illegal or non-constitutional. Mayors also run the municipal administration, which is their most important responsibility.

The importance of the role of mayors, their influence on the work of the municipal administration and on cooperation with the municipal council was the reason why, for the purposes of the research, structured interviews with all mayors (20) of municipalities that have a Roma councillor were also carried out. Like the interviews with the Roma councillors, the interviews with the mayors were anonymous. Questions posed to the mayors were composed so that they would show their opinion or relationship to the same problems or phenomena as presented in the interviews with the Roma councillors. This way of collecting information enables insights into the

same area from the points of view of both key actors, which allows a further analysis of the opinions.

All the mayors' answers to the question 'Do you discuss Roma problems in your municipal council (if yes how often, if not why not)?' were affirmative, which means that in all municipal councils Romani issues are, according to the mayors, more or less frequently discussed. In municipalities that have a Roma Commission working within the municipal council, these problems are put on the agenda of the municipal council less frequently, but they are regularly discussed at Commission meetings. Although all municipal councils discuss Roma issues, 70 percent of the mayors thought this body inappropriate for resolving Roma problems. In connection to this, the predominant opinion of the majority is that the state should approach these problems more rigorously with unified programmes at the national level, different inter-municipal coordinations and additional financial aid. While those mayors who answered that the municipal council is a body that is only partly appropriate for decision making about Romani problems think that the state should take the lion's share of responsibility, they also agreed with the regulation of matters of local importance in an appropriate and legally appointed body, namely the municipal council. To illustrate two opposite points of view on this matter, one of the interviewed mayors argued:

I think that the local councils are absolutely not the adequate body to address problems that Roma populations encounter. This should be a matter for the state . . . I absolutely expect help from the state.

While another answered:

Of course it is adequate! I don't see any other body or institution that could do this job better and more easily.

As presented here, one can conclude that the mayors do have very distinct points of view. This may be (it cannot be firmly established since the interviews involve absolute anonymity) a result of the already mentioned polarization of Roma populations between the two communities in the Prekmurje and Dolenjska regions. It might be assumed that more rigorous answers come from the Dolenjska region, where there is tense cohabitation between the Roma minority and the majority population, also resulting in poor cooperation in the decision-making field.

Regardless of opinions on the (in)appropriateness of the municipal council for resolving Roma questions, the mayors think that the municipal council in their municipalities is mostly suitably responsive to Roma questions. A considerable number of mayors estimate the responsiveness of their municipal council as neither good nor bad – they claim that the municipal councils respond to the Roma problems in the same way as to all the other problems in the municipality. Two respondents estimated the

responsiveness of their municipal council as very poor because of the bad relationship between the Roma and other locals and the assumption made by other locals that the Roma receive extremely high levels of social aid.

We were then interested in the mayors' opinions about the presence of the Roma councillor in their municipal council. As it turns out, half of the mayors see the presence of the Roma councillor in their municipal council as important or even very important, while on the other hand a third of them estimate that the presence of the Roma councillor does not mean any essential shift towards a resolution of Romani problems. Low education, illiteracy, poor knowledge of the basics of the operations of local democratic systems, the inability and even lack of interest of Roma councillors are mentioned as major obstacles to mutual cooperation and the consequent resolving of Romani problems. In the conclusion of the interview we were interested in which actors, according to the mayors, presented the greatest obstacle for better cooperation between the Roma community and other locals. It was established that the mayors see the biggest 'culprit' for the poor cooperation between the Roma and other locals as the Roma themselves, along with the state, which, with its poor financial help and deficient legislation, is seen as hindering the process of Roma integration with local communities.

## **A COMPARISON OF THE ANALYSIS OF THE TWO SETS OF ACTORS**

Since both the Roma councillor and the mayor can personify either confrontation or cooperation between the Roma community and other actors in the local community it is imperative to analyse the structured interviews of the two sets of actors together. When comparing both sets of interviews, there is a striking disproportion in answers to the question of whether Roma issues are actually discussed in the municipal councils. While the mayors unanimously claim that their municipal council discusses Roma problems, only some of the Roma councillors agree with this. The cause of such a difference may also lie in a lack of cooperation in the work of the municipal council by some Roma councillors or in them having been deliberately misled by the mayors (see Table 2).

Comparing the opinions of both groups of respondents on how the municipal councils respond to Roma questions, it can be established that the majority (32%) of Roma councillors tend to express a poor level of responsiveness by the municipal council, but in general there are no significant differences in the two groups' opinions. It is interesting that in response to the question 'Have you adopted a conclusion which meant a significant shift in solving Roma questions in a positive or negative direction during

**Table 2** Do you discuss Roma issues at municipal council meetings?

|       | <i>Mayors</i> | <i>Roma councillors</i> |
|-------|---------------|-------------------------|
| Yes   | 19            | 13                      |
| No    | 0             | 7                       |
| Total | 19            | 20                      |

Note: N = 39.

**Table 3** Did the municipal council adopt any kind of resolution or decision which in your opinion represents a significant shift towards the resolution of Roma questions?

|       | <i>Mayors</i> | <i>Roma councillors</i> |
|-------|---------------|-------------------------|
| Yes   | 19            | 12                      |
| No    | 0             | 8                       |
| Total | 19            | 20                      |

Note: N = 39.

your mandate’, again the mayors homogenously reported the adoption of at least one (and as a rule even more than one) conclusion that has considerably contributed to a solution to Roma problems in a positive direction (see Table 3).

Yet the same question was answered negatively by up to seven Roma councillors. The reason for this discrepancy is unknown; maybe it lies in their poor knowledge of the work of the municipal council or a lack of information. The difference in answers is undoubtedly too large and shows certain anomalies in the operations of the municipal council or – more likely – in the poor communication between the actors. One indicator of potential difficulties could be that the Roma councillors see the need for a change in communication with other councillors, the mayor and the municipal administration. The mayors, however, share the opinion that the Roma councillors should not be treated differently from other councillors and that the introduction of Roma councillors itself is a sufficient form of positive discrimination.

When we compare answers to the question ‘Which actor in your opinion presents the biggest obstacle to the provision of better cooperation of the Roma community with other locals?’, we find that both the Roma councillors and the mayors see the Roma community and its negative behaviour vis-à-vis other locals as the main obstacle. As many as 47 percent of the mayors have this opinion, together with 31 percent of the Roma councillors. Further, the Roma councillors estimate that the state (18%), the locals

(18%) and the mayor (18%) also present obstacles; meanwhile the mayors estimated that, apart from the Roma community, the main obstacles are the state (35%) and the locals (9%). Not surprisingly, the mayors do not identify themselves or the municipal administration they represent as an obstacle to the provision of better cooperation, while at the same time they blame the state, which in their opinion does not do enough to resolve Roma problems.

If we summarize the analyses of both sets of interviews, the conclusion can be drawn that the Roma councillor mechanism is, in the eyes of local political actors, a tool that is somehow not 'falling into place'. Perhaps a second longitudinal analysis after several mandates of Roma councillors would produce a more varied picture of the implementation of this mechanism.

## CONCLUSION

Constructive and effective communication and cooperation are the pre-conditions for mutual respect. That is why extra effort should be made for the purpose of including the Roma minority more actively in decision-making processes, especially if the consequence of policy implementation is important for their lives and work. However, it is only possible to achieve this kind of functioning by including the Roma's elected representatives at all levels of power. Ideally, the mechanisms or an institution that would guarantee such functioning would suit the specifics of the individual country and their Roma community. This would guarantee the optimum inclusion of the underprivileged in the existing system. The effectiveness of the systems introduced could be measured by several criteria: (1) the scope of the early involvement of the Roma in Roma-related policy formation; (2) the extent to which the process is broadly representative; (3) transparency; and (4) the involvement of the Roma in implementing and evaluating Roma-related programmes.

Five years after the election of the first Roma councillors in Slovenia, the initial successes and obstacles are revealed, as faced by both the Roma councillors and the mayors of the municipalities where the law made the introduction of Roma councillors compulsory. The provision of the law, which lists those municipalities that have to implement the Roma councillor in their statute (the statute of a municipality is by its nature independent), has been publicly debated. It is highly questionable how the legislators decided which municipalities had the 'quota' of Romani population to be obliged to carry this out. The main argument is that: (1) Roma are in their nature nomadic and often move; (2) the exact number of the Roma population in Slovenia is unknown; (3) there should be a census (for

example 15% of total municipal populations should be Roma) as a threshold for obliging the municipality to introduce a Roma councillor. This anomaly should be addressed and amended.

Another conclusion may be drawn from the opinion frequently expressed by Roma councillors that issues need to be addressed together. The representatives of the Roma minority wish to meet in an assembly at the national level. Therefore, many councillors see the solution as involving periodical meetings of all Roma councillors at the national level (it should be mentioned here that such meetings have already occurred).

However, in the short period since the introduction of Roma councillors the need for additional or auxiliary forms of positive discrimination has presented itself. Such further positive discrimination would enable the (even) better cooperation of the Roma councillors with other decision makers at the local level. One can draw a parallel when comparing the only two countries in the territory of central and eastern Europe (Slovenia and Hungary) that do enable the political participation of the Roma minority at the local level through mechanisms of positive discrimination. For example, Hungary guarantees the 13 'historic' minorities living in Hungary (including Roma) the right to establish local and national self-government. On this basis, the minority can establish elected bodies that act in the field of education and culture and have a veto over issues in those fields at the local level. Mostly this self-governing body may request information, submit proposals, initiate measures and file complaints (Kállai and Törzsök, 2005). This, however, differs significantly from the Slovenian local Roma councillor. Both mechanisms provide the much-needed framework for Romani political activism, making room for opportunities to modify the current legislation to make the system more effective. In many surveys, Roma leaders have stressed the importance of local governance, which would create more realistic possibilities for increasing the political capital of the Roma, as a relatively young political nation. Or, as one of the interviewed Roma councillors expressed:

Well, we Gypsies are a special kind of people, we are together all the time. I can say that lots of things are better now, since I have been the councillor. I am there at the core of the decision making, I can propose many things. For example I can read the Official Gazette of the Republic of Slovenia and see what tenders we can apply for. In those municipalities where the Roma community has got their own councillor, you can see progress in the cooperation of the municipal administration. And before all Roma in the municipality directly addressed the municipal administration, but now I can intervene as a middleman.

The first step towards ensuring the (more) equal representation of the Roma autochthonous minority in Slovenia has been taken through the legally prescribed minimum representation of the Roma in municipal councils. Slovenia has addressed this issue in the same way as many other

ex-Yugoslav countries. As Edwards (2005) concluded in her article on Roma minority in Bosnia:

So long as the Roma do not have equal access to and involvement in all realms of life within Bosnia, including importantly in the political process, they will remain marginalized. Minority rights legislation is but a minor advance forward for an economically, socially, politically and ethnically insignificant group in Bosnia.

So the question of how to further regulate this problem remains open. Who is competent to regulate Roma problems and are they doing their job efficiently? The task of a democratic country is to enable the cooperation of all citizens and modify the existing mechanisms in line with their users and facilitate the more efficient participation of all citizens.

### Notes

- 1 In most parliaments of central and eastern Europe, at least one Romani representative has been elected on the party list of a mainstream party. In some instances, such as in Romania, the Roma have a single reserved seat. In local politics, the Roma have secured even more representatives.
- 2 The authors use the term 'Roma problem' to refer to the specific problems of low education levels, high unemployment rates, poor housing conditions, etc., that affect the Roma minority in Slovenia and at the same time do not affect, with all the stated elements, any other marginalized group or minority in Slovenia. The term is not used with a negative connotation.
- 3 The UNDP/ILO Survey in 2001 included Slovakia, Bulgaria, the Czech Republic, Hungary and Romania (United Nations Development Program, 2002); in 2002 the National Democratic Institute and Open Society Institute only included Slovakia, Bulgaria and Romania (National Democratic Institute and Open Society Institute, 2002); the Project on Ethnic Relations focused solely on Slovakia and Hungary (Project on Ethnic Relations, 2001).
- 4 In 1996, the Roma founded the Association of Roma Societies of Slovenia, today called the Association of the Roma of Slovenia, which not only brings together the Roma associations but all Roma. The political power of the Roma minority has also increased along with the foundation of the Association of the Roma of Slovenia.
- 5 Structured interviews were carried out in the following municipalities: Cankova, Kuzma, Crensovci, Murska Sobota, Crnomelj, Dobrovnik, Turnisce, Kocevje, Krsko, Novo mesto, Lendava, Puconci, Metlika, Semic, Rogasovci, Tisina, Trebnje, Sentjernej and Beltinci.
- 6 'The Roma are a traditional people, whose leadership has typically been vested in informal, but powerful, extended family structures . . . [T]he relative absence of formal structures in the Romani community has been an obstacle to participation in the modern bureaucratic structures that increasingly characterize government and public administration. Thus, the community faces the challenge of building formal structures of representation and participation. The present generation of Romani leaders comes from contrasting backgrounds . . . On one

side are those who have little or no formal education or training but have risen within traditional communities by virtue of their everyday struggles on behalf of their people. On the other side [are] a handful of mostly younger activists who are products of the majority education system and have emerged as successful professionals or politicians but at the same time have retained or rediscovered their Romani identity' (Mirga and Gheorghe, 1997).

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